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AND
ADMINISTRATION**

ANNUAL CONTINUATION VOLUME, 1941

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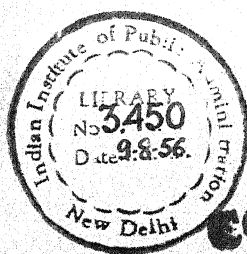
A. N. C. SHELLEY, ESQ., M.A., B.C.L. (Oxon)

OF LINCOLN'S INN, BARRISTER-AT-LAW

AND

PHILIP F. SKOTTOWE, ESQ., LL.B.

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THE ENGLISH AND EMPIRE DIGEST

In addition to the usual citation of the reports of cases in the footnotes, there will be found a reference to the volume, page, and case number at which the case appears in the Digest. Thus:

Bennett v. Stepney Borough Council (1912), 107 L.T. 383;
38 Digest 101, 730.

HALSBURY'S COMPLETE STATUTES OF ENGLAND

References to Public Acts of Parliament are followed by a reference to the volume and page at which the Act or section of the Act appears in Halsbury's Complete Statutes of England. Thus:

The Local Government Act, 1933; 26 Halsbury's Statutes
295.

ALL ENGLAND LAW REPORTS

After cases heard since February, 1936, references are given to this series of reports thus:

Camkin v. Bishop, [1941] 2 All E. R. 713.

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L787

PUBLISHERS' NOTE

THIS volume contains the relevant Statutes, Orders, Circulars and Memoranda, Cases and Decisions of the year 1941. The same classification of titles has been followed as in the first continuation volume (Vol. 15), the emergency legislation being dealt with under the various titles.

The most important statutes of 1941, within the purview of local government, are the Fire Services (Emergency Provisions) Act, by which the Government is enabled to take over the control of all fire-fighting services in accordance with Regulations made by the Home Secretary; and the National Service Act, which applies the principle of conscription to the Civil Defence Services. War Damage to housing is dealt with by the Repair of War Damage Act, 1941, amending the Housing (Emergency Powers) Act, 1939, and the Essential Buildings and Plant (Repair of War Damage) (Amendment) Act, 1939; and also by the Landlord and Tenant (War Damage) (Amendment) Act, amending the 1939 Act. Sections 40-42 of the War Damage Act, included in this work, deal specifically with damage to undertakings, highways and air-raid shelters.

The Orders made under the emergency legislation are already extremely numerous, and their number increases *de die in diem*. Obviously it is impossible to publish them all, though the Editors are assured they have selected everything of general importance. The annotation is up to date to the 1st April, 1942, that is to say any changes or modifications of the law for 1941 up to that date have been noted, although, of course, the legislation itself for the year 1942 falls to be included in the next volume. It must not be assumed, however, that the annotation is up to date at the time of publication.

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September, 1942.

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Attorney-General	A.-G.
Brothers	Bros.
Company	Co.
Corporation	Corpn.
Home Office	H.O.
Justices	..	..	..	..	..	..	..	JJ.
Limited	..	..	..	..	..	..	..	Ltd.
London County Council		..	..	..	..	..	..	L.C.C.
Local Government Act	..	..	..	..	..	..	..	L.G.A.
Medical Officer of Health	..	..	..	..	..	..	..	M.O.H.
Ministry of Agriculture and Fisheries		..	..	..	..	..	..	M. of A.
Ministry of Health	..	..	..	..	..	..	..	M. of H.
Ministry of Transport	..	..	..	..	..	..	..	M. of T.
Public Health Acts	..	..	..	..	..	..	..	P.H.A.
Railway Company	..	..	..	..	..	..	..	Rail. Co.
Rating and Valuation Act	R. & V.A.
Rural District Council	R.D.C.
Statutory Rules and Orders	S. R. & O.
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[illegible]

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ACT OF PARLIAMENT

STATUTES :—

Expiring Laws Continuance Act, 1941 - - - - - PAGE 1

STATUTES

THE EXPIRING LAWS CONTINUANCE ACT, 1941

(5 & 6 Geo. 6, c. 3)

An Act to continue certain expiring laws. [1]

[18th December, 1941.]

Whereas the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire—

- (a) as respects those mentioned in Part I of the said Schedule, on the thirty-first day of December nineteen hundred and forty-one, and
- (b) as respects that mentioned in Part II of the said Schedule on the thirty-first day of March nineteen hundred and forty-two :

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same :

Be it therefore enacted, etc. [2]

1. Continuance of Acts in Schedule.—(1) The Acts mentioned in Part I of the Schedule to this Act shall, to the extent specified in column three of that Part of that Schedule, be continued until the thirty-first day of December nineteen hundred and forty-two.

(2) The Act mentioned in Part II of the Schedule to this Act shall, to the extent specified in column three of that Part of that Schedule, be continued until the thirty-first day of March nineteen hundred and forty-three.

(3) Any unrepealed enactments which are temporary in their duration shall, in so far as they amend or affect any enactment continued by the foregoing provisions of this Act, be continued in like manner as that enactment whether they are mentioned in the Schedule to this Act or not. [3]

2. Short title and application to Northern Ireland.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1941.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but, save as hereinbefore provided, shall not apply to Northern Ireland. [4]

SCHEDULE

Section 1.

PART I

1.	2.	3.	4.
Session and Chapter.	Short title.	How far continued.	Amending Acts.
* *	* *	* *	* *
(6) 20 & 21 Geo. 5, c. 50.	The Public Works Facilities Act, 1930.	The following provisions, that is to say, section two, except the words "or statutory undertakers," wherever those words occur; in section three, the words from the beginning of the section to the word "undertaking"; section five; subsections (1) and (2) of section six; sections seven and eight; and the First Schedule except paragraph 2 of Part I.	—
* *	* *	* *	* *
(9) 24 & 25 Geo. 5, c. 50.	The Road Traffic Act, 1934.	Section one . . .	1 Edw. 8 & 1 Geo. 6, c. 5.
* *	* *	* *	* *

[51]

For the Public Works Facilities Act, 1930, see 23 Statutes 769; Road Traffic Act, 1934, s. 1, see 27 Statutes 335.

As to the Public Works Facilities Act, 1930, note that s. 1, part of s. 3, and Second Schedule lapsed in 1935; see the Expiring Laws Continuance Act, 1935 (28 Statutes 349, 350).

ACTIONS BY AND AGAINST LOCAL AUTHORITIES

CASES :

Mountain v. Bermondsey Borough Council, [1941] 3 All E. R. 498 —

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CASES

Public Authorities—Limitation of Actions—Action for Fees as Registration Officer—Limitation Act, 1939 (c. 21), s. 21.

Plaintiff became town clerk of defendant borough in 1933, an appointment which he held until 1939. During his term of office, he performed the duties of registration officer for that area in accordance with the provisions of the Representation of the People Act, 1918, s. 12. During that period registration expenses properly incurred amounted to £986 11s. 11d., which plaintiff sought to recover from defendants under s. 15 of the Act. The writ was issued more than one year after the completion of the register for 1939. Defendants contended that the claim was statute-barred by reason

of the provisions contained in the Public Authorities Protection Act, 1893, and the Limitation Act, 1939, but it was argued on behalf of plaintiff that this was a claim on a specialty, for which the period of limitation was 12 years :—

Held : the cause of action upon which plaintiff must rely was defendant's neglect or failure to perform a statutory duty to pay. Consequently, the Limitation Act, 1939, s. 21 (1), applied, and the claim was statute-barred.—*MOUNTAIN v. BERMONDSEY BOROUGH COUNCIL*, [1942] 1 K. B. 204; [1941] 3 All E. R. 498; 106 J. P. 71; 58 T. L. R. 65; 40 L. G. R. 5. [6]

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STATUTES

THE AIR RAID PRECAUTIONS (POSTPONEMENT OF FINANCIAL INVESTIGATION) ACT, 1941

(4 & 5 Geo. 6, c. 10)

PRELIMINARY NOTE

This Act postpones the financial review between the Government and local authorities as to expenditure on Civil Defence. S. 10 of the Air-Raid Precautions Act, 1937 (30 Statutes 1030) provides that the Secretary of State (whose function has since been transferred to the Minister of Home Security) shall, before the expiration of three years from the passing of the Act (December 22, 1937), in consultation with local authorities, cause an investigation to be made into the working of the financial provisions of the Act. A report of the result of such

investigation is required by the section to be laid before Parliament. The time for making the investigation coincided with enemy air attacks on a heavy scale, with the result that it would have been inconvenient for the financial review to have taken place as intended by the section. The present Act accordingly postpones the investigation for a year.

An Act to postpone the investigation to be made under section ten of the Air-Raid Precautions Act, 1937, until the year nineteen hundred and forty-one. [7]
[26th March, 1941.]

1. Amendment of 1 & 2 Geo. 6, c. 6, s. 10.—Section ten of the Air-Raid Precautions Act, 1937 (which requires an investigation to be made into the working of the financial provisions of that Act within the period of three years from the passing thereof) shall have effect as if for the word “three” there were therein substituted the word “four.” [8]

For s. 10 of the Act of 1937, see 30 Statutes 1030.

2. Short title.—This may be cited as the Air Raid Precautions (Postponement of Financial Investigation) Act, 1941. [9]

THE WAR DAMAGE ACT, 1941

(4 & 5 Geo. 6, c. 12)

PRELIMINARY NOTE

This Act had been anticipated since the commencement of the War, as the intention of the Government to introduce such a measure had been stated more than once. The Act introduces a new principle into our Law, for at common law the acts of the King's enemies do not give rise to any claim to compensation, or to any cause of action. Thus a right is created which individuals could not have possessed at common law, and the extent to which the right (and the corresponding obligation) exists must be found in the terms, and solely in the terms, of the Statute itself.

Part I of the Act deals with the payments to be made in respect of war damage to land, and with the contributions to be made by owners of interests in land. This is not an insurance scheme. Owners of “proprietary interests” in “land” which suffers “war damage” are to receive payments from a War Damage Commission, which has been established under the chairmanship of Mr. A. M. Trustram Eve, K.C.

“War Damage” is defined in s. 80 of the Act, a definition which is applied also to the Compensation (Defence) Act, 1939, and has since been applied to other Statutes. This wide definition includes damage occurring as a result of acts other than actual hostile acts of the enemy, and damage not immediately apparent. For example, damage caused by the accidental fall of British aircraft returning from a raid, or by a loose barrage balloon is within the definition, so is the collapse of a building some time after a raid by reason of a weakening of the structure caused by the raid.

Two different kinds of payments are to be made, a “value” payment, paid, speaking generally, when there has been a total loss, and a “cost of works payment” to cover the reasonable cost of repairs, when the damage is less extensive. The provisions relating to these payments are exceedingly complicated. It appears that the draughtsman has been animated by a no doubt praiseworthy desire to make provision for every contingency that can possibly arise in the administration of the Act, and has been led thereby into a failure to make plain those provisions which are applicable to almost every case. An attempt has been made in the notes to the sections to explain their application, but the editor does not profess to have been able to foresee all the complications that may arise and it may be found that there are points arising in practice which are not dealt with in the notes. This omission is perhaps only less exasperating to readers than omissions in the Act itself and the editor can only apologise and say that, *non sine vigiliis*, he has done his best in the notes and this Introduction, to explain the operation of the Act.

When war damage occurs the owners of "proprietary interests" are required, by the War Damage (Notification and Claims) Regulations, 1941 (S. R. & O., 1941, No. 569) to notify the War Damage Commission within 30 days. The Regulations prescribe the particulars to be given, and the Commission have issued a form, "C.1", on which notification can be made. Regulation 3 of S. R. & O., 1941, No. 569 gives statutory effect to the issue and use of these forms. Previous notice on the old form V.O.W.1 is sufficient. The Regulations further require "claims for a payment of cost of works" and claims for "a value payment" to be made at prescribed, and different, times. This is an unfortunate procedure and is possibly *ultra vires*. S. 10 of the Act empowers the Treasury to make (*inter alia*) Regulations as to the notification of war damage, as to the making of claims for payments, and the information to be furnished for the purpose of the investigation thereof, and it is provided that limits of time may be specified, but before a payment can be made the Commission must determine the unit of land (hereditament) in respect of which it is to be paid, and it is a function of the Commission, not a duty of the claimant, to determine whether a value payment or cost of works payment is to be made. The claimant cannot be put to his election.

The basis of this determination is to be found in s. 4 of the Act, which defines what is meant in the Act by "total loss". This is a very special definition, for the meaning of the term does not depend on the extent of the loss at all, but on the cost of making it good at a date which the Act omits to mention but which is presumably the date at which it may reasonably be assumed the works of repair or reconstruction would be done if they were done. If this cost, less the value which the hereditament "would have" as a site is more than the value the hereditament would have after the execution of the works there is a total loss, and a value payment is made. This, again in general terms, is the amount of the depreciation caused by the damage, valued by reference to prices current at March 31, 1939. If there is not a total loss a cost of works payment is made, and this, subject to certain special provisions, is the reasonable cost of repair, ascertained at the time when the works are actually done.

The Commission have very extensive powers to vary the nature of payments, and to impose conditions on the making of payments, in the public interest. To meet, or partly to meet, the cost of making these payments, a War Damage contribution is made by owners of contributory interests, in proportions determined by the Act, and in some cases by mortgagees. This contribution is, generally, 50 per cent. of the net assessment for the purposes of Schedule A, payable in five instalments, on the 1st July in each of the years 1941-1945 inclusive. This contribution is in respect of the "first risk period", i.e., September 3, 1939, to August 31, 1941. A "second risk period," from September 1, 1941, to August 31, 1942, is prescribed by the War Damage (Extension of Risk Period) Act, 1941, but no rate of contribution has yet been fixed.

Part II of the Act establishes two schemes for the insurance of goods against war damage. These are known as "the Business Scheme" and "the Private Chattels Scheme" and are administered by the Board of Trade.

The choice of March 31, 1939, as the material date for valuation for value payments is no doubt gained by the desire of Parliament to select a date before the outbreak of war at which values were both stable and ascertainable. It is a little doubtful if values on the date chosen had either characteristic, as the risk of war had affected both values and the number of transactions at that date.

The effect of war damage may not be limited to the physical destruction of a building. For example, in the case of licensed premises the preservation of the licence is important, and it is understood that arrangements are in fact made. Again, the liability to Income Tax, Sched. A, or to rates may be affected, indeed, may come to an end if the hereditament is totally destroyed. In the case of rates the Minister of Health issued a circular (No. 2215) to rating authorities on November 22, 1940, which contains a most admirable series of suggestions as to the liability for rates in case of war damage.

Damage does not necessarily all occur as a direct result of enemy action. Local authorities have extensive powers under the Defence (General) Regulations, Regulation 50, to demolish damaged premises. It may sometimes be a nice point, whether this demolition is "war damage".

It may be regarded as probable that this Act will be amended after experience has been gained of its operation, and further legislation will be necessary to deal with public utility undertakings. [10]

[26th March, 1941.]

* * * * *

40. Land occupied for purposes of certain undertakings.—(1) If at the relevant date in any year any contributory property is occupied mainly or exclusively for the purpose of the carrying on of an undertaking to which this section applies, no instalment of contribution shall be payable for that year in respect of that property. [11]

(2) Such contributions towards the expenses of making payments in respect of war damage shall be made in respect of properties to which subsection (1) of this section applies as Parliament may hereafter determine. [12]

(3) If immediately before the occurrence of war damage to a hereditament the hereditament is occupied mainly or exclusively for the purpose of the carrying on of an undertaking to which this section applies, no payment shall be made in respect of the damage under the preceding provisions of this Part of this Act, but—

(a) such payments shall be made in respect of war damage to hereditaments as respects which this subsection has effect as Parliament may hereafter determine; and

(b) the Commission may make to the persons carrying on the undertakings in question payments towards the cost of works certified by the appropriate department to be urgently required for meeting the circumstances created by war damage to hereditaments in respect of which this subsection has effect, and any payments so made shall be taken as made in part satisfaction of the payments to be made as mentioned in paragraph (a) of this subsection. [13]

(4) The undertakings to which this section applies are—

(a) public utility undertakings;

(b) except in so far as Parliament may hereafter determine, any undertaking of such a character that the valuation for rating purposes of hereditaments in which the undertaking is carried on is made by reference to the accounts, receipts, profits or output of the undertaking;

(c) any other undertaking to which Parliament may hereafter determine that this section shall apply. [14]

(5) In this section the expression “public utility undertaking” means any of the following undertakings the carrying on of which is authorised by any enactment, scheme or order that is to say any railway, light railway, tramway, trolley-vehicle, canal, inland navigation, dock, harbour, quay, pier, lighthouse, gas, electricity, hydraulic power, sewerage, sewage disposal, refuse disposal or water undertaking in the United Kingdom, and the undertaking of any drainage authority, except that any undertaking carried on by undertakers who carry on a railway undertaking being a public utility undertaking shall be deemed for the purposes of this section to be part of their railway undertaking. [15]

(6) In this section, the expression “appropriate department” means—

(a) in relation to any railway, light railway, tramway, trolley-vehicle, canal, inland navigation, dock, harbour, quay or pier undertaking, the Minister of Transport;

(b) in relation to any gas or hydraulic power undertaking, and in relation to any mining or quarrying undertaking the Board of Trade;

(c) in relation to any lighthouse undertaking, the Minister of Shipping;

- (d) in relation to any electricity undertaking, the Electricity Commissioners ;
- (e) in relation to any sewerage, sewage disposal, refuse disposal or water undertaking, the Minister of Health ;
- (f) in relation to the undertaking of a drainage authority, the Minister of Agriculture and Fisheries ;
- (g) in relation to any other undertaking, such Government department as the Treasury may determine ;

and the expression " drainage authority " has the same meaning as in the Land Drainage Act, 1930. [16]

The whole meaning of this section is that in the case of undertakings to which the section applies Parliament will make provision in respect of war damage by subsequent legislation and this Act does not apply, though the Commission may make payments to provide for the cost of urgent repairs.

41. Highways.—(1) No payment shall be made under the preceding provisions of this Part of this Act in respect of war damage to a highway maintainable at the public expense. [17]

(2) Payments shall be made by the Commission to highway authorities in accordance with, and subject to the provisions of, a scheme to be made by the Treasury, after consultation with such associations of local authorities as appear to them to be concerned in respect of war damage to such highways as aforesaid occurring during the risk period, and contributions towards the expense of making such payments shall be made by the councils of counties and county boroughs at such rates and in such manner as may be provided by the scheme.

The contributions aforesaid shall be expenses for general county purposes as well in the case of the London County Council as of the councils of other counties. [18]

(3) The contributions aforesaid shall be payable by five interim annual instalments, becoming due in the year nineteen hundred and forty-one and each of the four subsequent years and a final instalment. [19]

(4) The provision to be made by the scheme in relation to the contributions aforesaid shall be such as to secure, as nearly as may be, by reference to estimates of the relevant amounts—

(a) that the aggregate of the contributions shall bear to the payments made under subsection (2) of this section the same proportion as the net receipts of the Exchequer under the provisions of this Part of this Act (calculated in accordance with paragraphs (a), (b) and (c) of subsection (5) of section twenty-two of this Act) bear to the payments in respect of war damage made under the provisions of this Part of this Act (calculated as aforesaid) ; and

(b) that each interim instalment, and the final instalment, to be paid by the council of any county or county borough shall bear to the aggregate of the corresponding interim instalments, or of the final instalments, as the case may be, to be paid by all such councils, such proportion as may be prescribed by the scheme. [20]

(5) The scheme may provide for the payment by the Minister of Transport, with the approval of the Treasury, to the councils of counties and county boroughs in Great Britain of grants in respect of the contributions to be made by them under this section not exceeding in the aggregate in the case of any council one half of the contributions to be made by that council.

Any grants paid by the Minister of Transport under any provision made by the scheme under this subsection shall be defrayed out of the Road Fund. [21]

(6) The scheme may provide for the making by the Commission to highway authorities of payments in respect of war damage to roads, not being highways maintainable at the public expense, in cases in which works for the making good of war damage thereto are executed by such authorities ; and where a payment has been, or is to be, made under the scheme in respect of any such works, the cost thereof shall not be the subject of a payment under the preceding provisions of this Part of this Act. [22]

(7) Nothing in the three last preceding subsections shall be construed as limiting the generality of the power conferred on the Treasury by virtue of subsection (2) of this section to make by the scheme such provision as to the payments and contributions therein mentioned as appear to them to be requisite. [23]

(8) A scheme made under this section may be amended by a subsequent scheme made thereunder. [24]

(9) A scheme made under this section shall be embodied in an order which shall be laid before the Commons House of Parliament as soon as may be after it is made and shall be of no effect until it has been approved by a resolution of that House. [25]

(10) The fact that works have been executed on a road by a highway authority as mentioned in subsection (6) of this section, or that a payment in respect of such works has been made under the scheme, shall not be treated as relevant for the purposes of the determination of any question arising as to whether the road is maintainable at the public expense. [26]

(11) In this section—

the expression “ highway authority ” does not include the Minister of Transport ;

the expression “ highway maintainable at the public expense ” means a highway repairable by the inhabitants at large or by a highway authority, and includes any bridge, viaduct or tunnel carrying a highway and any pedestrian subway or pipe subway, being a bridge, viaduct, tunnel or subway which is repairable by the council of a county, county borough, metropolitan borough or county district, by the Common Council of the City of London, by the mayor and commonalty and citizens of the City of London acting as trustees of the Bridge House Estates or by the inhabitants of any locality ;

the expression “ road ” includes a footway and a bridle path, and includes any bridge or viaduct carrying a road ;

the expression “ bridge ” and “ viaduct ” respectively include the approaches thereto and the abutments thereof, and any works connected with, or ancillary to, the bridge or viaduct ;

the expression “ tunnel,” includes the approaches thereto and the abutments of such approaches, and any lifts or other works connected with, or ancillary to, the tunnel ;

the expression “ pedestrian subway ” includes the stairways thereof, the approaches thereto, any public convenience constructed therein, and any works connected with or ancillary to the subway ;

the expression “ pipe subway ” means any passage or covered way under a road constructed or adapted for the reception of, and affording convenient access to, any mains, pipes, tubes, cables, wires or apparatus, and includes any works connected with or ancillary to the subway. [27]

(12) For the purposes of this section—

- (a) any embankment, embankment wall or retaining wall supporting a highway, and the sides of, and any retaining wall supporting any cutting enclosing a highway; and
- (b) a place of refuge in a highway, a lamp, lamp post, or other materials or apparatus affixed on or near a highway for the purpose of illuminating it; and a traffic sign (as defined by subsection (9) of section forty-eight of the Road Traffic Act, 1930) placed on or near a highway either by a highway authority or in accordance with the provisions of a scheme under section eighteen of the Road Traffic Act, 1934;

shall be deemed to form part of the highway. [28]

(13) For the purposes of this section, the London County Council shall be deemed to be a highway authority as respects any highway repairable by the council and as respects any bridge, viaduct, tunnel or subway repairable by the Council, whether the highway thereon or therein is or is not repairable by the Council. [29]

(14) References in this section to councils of counties shall be construed as including references to the Council of the Isles of Scilly, but contributions made under this section by the said Council shall be general expenses. [30]

The references in sub-ss. (2) and (4) to contributions to the expense of making payments are limited to the first risk period (War Damage (Extension of Risk Period) Act, 1941, Schedule, para. 2, *post*). References to the making of payments apply to the first and second risk periods (*ibid.*, para. 1).

The section is a difficult one. The definition of a highway authority is not clear, as it is doubtful if any highway is repairable by a highway authority in the sense that certain highways are repairable by the inhabitants. It is not clear how war damage to roads maintained by non-county boroughs and urban district councils is to be dealt with. The whole question, however, is to be dealt with by a Treasury Scheme and is not of general interest.

42. Air-raid shelters.—(1) Works executed by a local authority for making good war damage to an air-raid shelter (in this section referred to as “a shelter”), shall not be the subject of a payment of cost of works or of a temporary works payment—

- (a) if the shelter is a building or structure erected by a local authority as a shelter, in respect of the erection whereof a grant was payable to the local authority either under the Air-Raid Precautions Act, 1937, or by the Minister of Home Security out of moneys provided by Parliament (otherwise than under section twenty-two of the Civil Defence Act, 1939); or
- (b) if the shelter is comprised in a building and there were executed by a local authority works (being works in respect of the execution whereof a grant was payable as aforesaid) for the purpose of the provision of the shelter, so far as regards works the purpose of the execution whereof is the provision of a shelter. [31]

(2) Works executed by a local authority for making good war damage to a shelter shall not be the subject of a payment of cost of works or of a temporary works payment if the shelter is a building or structure which was erected by any person wholly or mainly with materials provided on behalf of His Majesty under the Air-Raid Precautions Act, 1937, free of charge. [32]

(3) No value payment shall be made in respect of a hereditament consisting of any such building or structure as is mentioned in paragraph (a) of subsection (1) of this section or in subsection (2) thereof, or which consists of a building or structure erected, wholly at the expense of the Board of Education, for the purposes of affording air-raid shelter to pupils attending

a school or educational institution, and so much (if any) of the value of a hereditament as is attributable to its comprising or being in the vicinity of—

- (a) a building or structure as to which the conditions specified in paragraph (a) or (b) of the said subsection (1) or in the said subsection (2) are satisfied; or
- (b) a building or structure erected, wholly at the expense of the Board of Education, for the purpose aforesaid; or
- (c) a shelter comprised in a building, being a shelter the works necessary for the provision whereof were executed wholly at the expense of the Board of Education,

shall be disregarded, [33]

(4) Any question arising in giving effect to the provisions of this section shall be determined by the Commission:

Provided that the provisions of subsection (3) of section six of this Act as to appeals to the High Court on questions of law shall have effect in relation to a determination of the Commission under this subsection as they have effect in relation to a determination of the Commission under that section.

[34]

(5) In this section—

the expressions “air raid shelter” and “an air raid shelter” have the same meanings as in the Civil Defence Act, 1939;

the expression “local authority” means the Common Council of the City of London, the council of a metropolitan borough, the council of a county, county borough or county district, or the Council of the Isles of Scilly. [35]

This section has no application to private air-raid shelters provided by an occupier at his own expense, or to shelters erected by owners, lessees, etc., of property.

As to procedure on an appeal to the High Court under sub-s. (4), see R.S.C., Ord. 55c, r. 3.

* * * * *

THE NATIONAL SERVICE ACT, 1941

(4 & 5 Geo. 6, c. 15)

PRELIMINARY NOTE

The first part of this Act introduces the principle of compulsion for the Civil Defence Services on a system generally similar to that applicable to the armed forces. This does not mean that the original conception of a citizen force for civil defence has been abandoned. On the contrary, the existing voluntary part-time and whole-time services are to be maintained on the same terms as before (although it will be remembered that a certain degree of compulsion has been imposed upon these services by the Control of Employment Orders, and that the widest possible powers were conferred on His Majesty in Council by the Emergency Powers (Defence) Act, 1940 (33 Statutes 541).

The reason for the present Act is that in some of the more vulnerable areas the nucleus of whole-time volunteers which it was found necessary to establish, particularly in the Auxiliary Fire Service, first aid parties, and Police War Reserve, is insufficient to meet the demands created by the increased scale of actual and anticipated enemy action. Certain expedients, such as the Control of Employment Orders, referred to above, release of personnel from the Army, offering men registering for military service the alternative of whole-time service in the A.F.S., and compulsory part-time service under orders under Regulation 26A (general civil defence duties) or Regulation 27A (fire prevention at business premises) of the Defence (General) Regulations, 1939, as amended, have increased in some measure the scope of the original scheme of civil defence, but it appeared that the needs

of the situation could not satisfactorily and safely be met by any other means than that of compulsory recruitment.

The Act achieves this object by making liable for service in civil defence men who are liable under the National Service (Armed Forces) Act, 1939, for service in the armed forces of the Crown. The same calling-up machinery will be used, and those called up, who were before the Act given the opportunity of expressing preference for one or another of the three armed forces will be given the additional choice of selecting service in civil defence. Acceptance for civil defence service will of course depend, as acceptance for one of the other services has depended in the past and still depends, upon the conditions with regard to vacancies and the demands of the other services, but it is fairly clear that some men subject to limited physical defects which unfit them for military service will be suitable for civil defence work, and no doubt this will to a certain extent govern enrolment.

The provisions of the principal Act dealing with medical examinations, postponement of liability and appeals, apply equally to persons liable for civil defence service.

The fundamental difference between recruitment under the 1941 Act and whole-time service under the previously existing system is that a person recruited under the Act is in the service of the Crown, although under the control of a local authority, and may be required to serve anywhere in the United Kingdom or the Isle of Man. The paid whole-time volunteers are in the service of the local authority and liable for service only with that authority.

Conscientious objectors registered "conditionally" (see s. 5 (6) (b) of the principal Act) are liable under the new Act.

The matters discussed above are dealt with in ss. 1 to 3 of the Act. The remaining provisions amend the National Service (Armed Forces) Act, 1939 (32 Statutes 1041). The principal amendments affect conscientious objectors, and are designed to close loopholes which experience of the working of the 1939 Act has shown to exist.

S. 3 of the principal Act deals with medical examinations, and failure to submit to such an examination was made an offence punishable with a fine of £5. The imposition of a fine did not, of course, affect liability to comply with a requirement to undergo a medical examination, but advantage was taken of what was obviously an ineffective deterrent to a person of means. S. 4 of the present Act enables a much heavier penalty to be imposed upon a second failure by empowering the court by which a person is convicted of such an offence to order the person to submit to an examination and prescribing a penalty up to £100 or 2 years' imprisonment, or both, for breach of this order. This provision is designed to prevent not merely evasion by conscientious objectors of the provisions of the principal Act affecting them, but also any attempt by any person to escape for any reason from medical examination.

S. 5 deals with the procedure on breach of a condition of registration of a conscientious objector under s. 5 (6) (b) of the principal Act. Previously, all that could be done was (subject to any fresh application to a local tribunal) to remove the name of the conscientious objector from the register and register him as a person liable to be called up for non-combatant duties. Now the case may, where there is a reasonable excuse, be referred again to a local tribunal without the formality of a fresh application required by s. 5 (8) of the principal Act, and where there is no reasonable excuse penalties may be imposed on the same scale as those referred to above for failure to obey an order to submit to medical examination.

Before the Act, if a conscientious objector was registered for land work, hospital work or civil defence duties, he remained on the register of objectors, but if he was registered for non-combatant duties with the services his name was transferred to the military register. This system is now discontinued by the operation of s. 6, which also provides for restoring names which have been so transferred and which would now remain on the register of conscientious objectors.

S. 7 simplifies the cumbersome machinery for the transfer to the military service register of a conscientious objector who alters his views and decides to take up combatant or non-combatant service. Instead of one of the alternatives previously required, *i.e.* the making of application to the tribunal for sanction to transfer, or obtaining his discharge from his present duties before volunteering for military service (in which case he would lose the right of re-instatement under the

principal Act), the transfer may now be made by the simple administrative act of amending the registers.

The Act has been extended to the Isle of Man, with modifications and adaptations, by the National Service (Isle of Man) Order, 1941 (S. R. & O., 1941, No. 1898).

ARRANGEMENT OF SECTIONS

CALLING UP FOR CIVIL DEFENCE

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An Act to make provision for calling up men for civil defence and to amend the National Service (Armed Forces) Act, 1939. [36]

[10th April, 1941.]

Calling up for civil defence

1. Liability to be called up for civil defence.—(1) Every person who for the time being—

- (a) is liable under the National Service (Armed Forces) Act, 1939 (hereinafter referred to as “the principal Act”) to be called up for service in the armed forces of the Crown; or
- (b) is not so liable by reason only that he is a conditionally registered conscientious objector;

shall be liable to be called up for civil defence in the manner and on the terms provided by this Act. [37]

(2) If any person liable to be called up for civil defence notifies the Minister in the manner prescribed under subsection (6) of section two of the principal Act that he has a preference for service with the civil defence forces or any particular civil defence force, that fact shall be recorded—

- (a) in the military service register; or
- (b) if he is a registered conscientious objector, in the register of conscientious objectors;
- (c) if he is a person of a class exempted from registration by regulations made under the said section two, in such other manner as the Minister think fit. [38]

(3) References in section three of the principal Act (which relates to medical examination) and in section six of that Act (which relates to postponement of liability to serve) to persons for the time being liable under that Act to be called up for service, and to liability to be so called up, shall include references to persons for the time being liable to be called up for civil defence and to liability to be so called up. [39]

For the principal Act (The National Service (Armed Forces) Act, 1939), see 32 Statutes 1041 *et seq.*

As to the registration of conscientious objectors, see s. 5 of the principal Act, 32 Statutes 1046. See also ss. 6 and 7 of this Act, *post*, and the definition in s. 12 (1), *post*.

"Civil defence force" is defined in s. 12 (1), *post*.

The manner prescribed under s. 2 (6) of the principal Act is by Regulation made by the Minister under s. 21 (1) of that Act.

As to the military service register, see s. 2 (4) of the principal Act.

2. Enrolment notices.—(1) The Minister may cause to be served on any person for the time being liable to be called up for civil defence, who has been medically examined under the principal Act, a notice (in this Act referred to as "an enrolment notice") stating that he is so called up. [40]

(2) Every such notice shall require the person on whom it is served to present himself in accordance with the terms of the notice at such place and time (not earlier than the third day after the date of the service of the notice), and to such authority, and for service with such civil defence force, as may be specified in the notice. [41]

(3) References to an enlistment notice in section six of the principal Act (which relates to postponement of liability to serve) and in section seven of that Act (which relates to suspension of enlistment notices pending appeals) shall be construed as including references to an enrolment notice. [42]

(4) Subject to the provisions of this Act and of section seven of the principal Act, the person upon whom an enrolment notice is served shall be deemed as from the day specified in the notice to have been taken into the service of the Crown on the terms set out in the next following section. [43]

(5) Where an enrolment notice has been duly served on any person, the Minister may, at any time while that person remains liable to be called up for civil defence, cancel the notice, or cause to be served on him a further enrolment notice varying the original notice. [44]

(6) An enrolment notice served on any person shall cease to have effect if, before the date on which he is thereby required to present himself, he ceases to be liable to be called up for civil defence. [45]

(7) The Minister may pay to persons required to present themselves in accordance with enrolment notices served upon them such travelling and other allowances as he may, with the approval of the Treasury, determine. [46]

(8) If any person on whom an enrolment notice is served fails to comply with the requirements of that notice, he shall be guilty of an offence under the principal Act and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine; or
- (b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine. [47]

A person liable to be called up for civil defence is medically examined under s. 3 of the principal Act (32 Statutes 1044) as extended by s. 1 (3) of this Act, *ante*.

As to offences under the principal Act, see s. 17 of that Act, 32 Statutes 1057. The section contains special provisions as to venue and the time in which proceedings may be taken. Note the effect of the Summary Jurisdiction Act, 1879, s. 17 (11 Statutes 329) and the Criminal Justice Act, 1925, s. 27 (*ibid.*, 413).

See now the National Service (No. 2) Act, 1941, *post*.

3. Terms of service.—(1) A person who is deemed by virtue of subsection (4) of the last foregoing section to have been taken into the service of the Crown shall be deemed to have been taken into such service on the following terms :—

- (a) he shall continue in the service of the Crown until the end of the present emergency, unless he is previously discharged from such service by the prescribed authority in the prescribed manner ;
- (b) he shall serve with the civil defence force specified in the enrolment notice served upon him, or with such other civil defence force as may from time to time be notified to him by the prescribed authority in the prescribed manner ;
- (c) he shall serve under the directions of the authority specified in the notice aforesaid, or such other authority as may from time to time be notified to him by the prescribed authority in the prescribed manner ;
- (d) he shall not be required to serve outside the United Kingdom or the Isle of Man ;
- (e) he shall, subject to the directions of the authority under whose directions he is for the time being required by the foregoing provisions to serve (hereafter referred to as “the controlling authority”), perform the duties of a member of the civil defence force with which he is serving for the time being, and may, subject to such directions as aforesaid, exercise by virtue of this Act the powers of a member of that force, or, if that force is the police war reserve, of a constable ;
- (f) he shall perform such further duties as may (subject to the directions of the Minister) be required of him by the controlling authority, being duties of a member of any other civil defence force, and for that purpose may, subject to the directions of the controlling authority, exercise by virtue of this Act the powers of a member of that other force, or, if that other force is the police war reserve, of a constable ;
- (g) he shall be subject to the provisions of any regulations or orders for the time being in force under the Emergency Powers (Defence) Acts, 1939 and 1940, which create offences by members of the civil defence force with which he is for the time being serving ;
- (h) while serving with any civil defence force for which rules are for the time being in force by virtue of the said Acts as to the government and discipline of the force, he shall be subject to those rules, and, while not serving with such a force, he shall be subject to such provisions as to government and discipline as may be prescribed ;
- (i) his conditions of service as regards pay, allowances, clothing, expenses and other matters shall be such as the Minister, with the approval of the Treasury, may determine ;
- (j) he shall not be liable under the principal Act to be called up for service so long as he is in the service of the Crown by virtue of this section.

[48]

(2) A person shall not be incapable of being elected to, or of sitting or voting in, the Commons House of Parliament by reason only that, as being in the service of the Crown by virtue of this section, he holds any office or place of profit under the Crown. [49]

(3) While any person is in the service of the Crown by virtue of this section—

- (a) he shall be exempt from serving on a jury ;

- (b) he shall be treated for the purpose of section seven of the Societies (Miscellaneous Provisions) Act, 1940 (which relates to the membership of friendly societies of persons serving in any of the naval, military or air forces of the Crown) as if he were serving in those forces ; and
- (c) he shall be treated for the purposes of section three of the Courts (Emergency Powers) Amendment Act, 1940 (which provides for the relief of mortgagors serving in the armed forces of His Majesty) as if he were serving in those forces. [50]

(4) Where a conditionally registered conscientious objector is called up for civil defence, the condition on which he was registered shall be suspended so long as he is in the service of the Crown by virtue of this section. [51]

(5) The pay and allowances of a person in the service of the Crown by virtue of this section, and any expenses incurred in connection with his service, shall be defrayed as follows :—

- (a) if and so long as the controlling authority is a local authority, they shall be defrayed in like manner as the pay and allowances, and expenses incurred in connection with the service, of such members of the civil defence force with which he is serving for the time being as are serving under the directions of that authority ;
- (b) if and so long as the controlling authority is a chief officer of police, they shall be defrayed in like manner as the pay and allowances, and expenses incurred in connection with the service, of such members of the police war reserve as are serving under the directions of that chief officer ;
- (c) if and so long as the controlling authority is not a local authority or a chief officer of police, they shall be defrayed by the Minister. [52]

(6) In this section the following expressions have the meanings hereby respectively assigned to them—

“ chief officer of police ” has the same meaning as in the Police Pensions Act, 1921 ;

“ local authority ” means the Common Council of the City of London, the council of a metropolitan borough, the council of a county, county borough or county district, or any authority or person for the time being exercising any of the functions of any such council ;

“ the Minister ” means a Secretary of State or the Minister of Home Security ;

“ prescribed ” means prescribed by regulations made by the Minister. [53]

For the purposes of these Acts the end of the present emergency is not determined by the duration of the Emergency Powers (Defence) Act, 1939 (32 Statutes 930) but is determined by Order in Council under s. 21 (2) of the principal Act (*ibid.*, 1059).

See the National Service (Civil Defence) (Discharge and Transfer) Regulations, 1941 (S. R. & O., 1941, No. 776, amended by No. 1568).

The Emergency Powers (Defence) Acts, 1939 and 1940, are the Emergency Powers (Defence) Act, 1939, 32 Statutes 930, the Emergency Powers (Defence) Act, 1940, 33 Statutes 541, and the Emergency Powers (Defence) (No. 2) Act, 1940, *ibid.*, 552. See Regulation 29B of the Defence (General) Regulations, 1939, *ibid.*, 609, as amended, and, *e.g.*, the Auxiliary Fire Service (Discipline) Rules, 1940, S. R. & O., 1940, No. 2117, and the Temporary Constables (Emergency) Rules, 1941, S. R. & O., 1941, No. 243.

For s. 7 of the Societies (Miscellaneous Provisions) Act, 1940, see 33 Statutes 155, and for s. 3 of the Courts (Emergency Powers) Amendment Act, 1940, *ibid.*, 548.

Miscellaneous amendments of Principal Act

4. Enforcement of requirements as to medical examination.—(1) The court by which any person is convicted of an offence under the principal Act by reason of his failure to comply with—

- (a) a notice served on him by the Minister under subsection (1) of section three of that Act requiring him to submit himself to medical examination by a medical board ; or
- (b) directions given by a medical board by virtue of paragraph (a) of subsection (2) of that section requiring him to submit himself to a further medical examination by a medical board ; or
- (c) directions given by a medical board by virtue of paragraph (b) of the said subsection (2) requiring him to submit himself to examination by a consultant examiner ;

may, without prejudice to any penalty which may be imposed on him, order him to submit himself to medical examination, further medical examination or examination by a consultant examiner, as the case may be, at such time and place as may be fixed by a notice served on him by the Minister and any such order may include provisions that he shall be detained in custody until that time and taken by a constable to that place at that time :

Provided that no person shall be detained by virtue of any such order for more than seven days. [54]

(2) A person who fails to submit himself for examination in accordance with any such order shall be guilty of an offence under the principal Act and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine ; or
- (b) on summary conviction, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine. [55]

[(2A) If any person, being a person who has made application for registration or who has at any time been provisionally registered as a conscientious objector, has undergone or is undergoing a sentence of imprisonment for a term of three months or more imposed upon him for failing to comply with an order made under this section, then, if he claims that the offence was committed by reason of his conscientiously objecting to performing military service or combatant duties, he may apply in the prescribed manner to have his case considered by the appellate tribunal. [56]

(2B) On any such application the appellate tribunal shall, if it finds that the offence for which the applicant was sentenced was committed by reason of such a conscientious objection as aforesaid, have power to make any order with respect to his registration as a conscientious objector which it would have had power to make on an appeal under section five of the principal Act, and any such order shall have effect immediately or upon his discharge from prison as the case may be.] [57]

(3) Subsection (5) of section three of the principal Act is hereby repealed :

Provided that nothing in this subsection shall affect any order made under the said subsection (5) before this section comes into operation. [58]

(4) This section shall come into operation at the expiration of the fourteenth day next after the day on which this Act is passed. [59]

The only means afforded by the principal Act to enforce compliance with the notice and directions referred to in paragraphs (a), (b) and (c) of subsection (1) was prosecution for an offence by virtue of s. 3 (4) of the Act (32 Statutes 1044). The power of the convicting court in such cases was limited to the imposition of a fine of £5 under s. 17 (*ibid.*, 1057) and the power of detention under s. 3 (5) (now repealed). This is still the position in relation to a first failure to comply with one of the provisions (except that the power to detain indefinitely is now taken away), but the present section enables a sanction to be applied to prevent evasion of liability by a person able to pay repeated fines or willing to serve the limited term of imprisonment which might be imposed in default. An offence punishable under sub-s. (2) has been added to Schedule II of the Defence (General) Regulations, 1939, by S. R. & O., 1941, No. 752.

Although a person may be detained and taken to the place of examination, there is no power to compel him to submit to the examination.

Sub-ss. (2A) and (2B) were added by s. 5 of the National Service (No. 2) Act, 1941. They extend to conscientious objectors sentenced for failure to submit to medical examination a procedure similar to that already available under s. 13 of the National Service (Armed Forces) Act, 1939 (32 Statutes 1054), in the case of objectors who have submitted to medical examination, and have subsequently been court martialled for refusing to comply with a calling-up notice or for an offence against military discipline. Note that the procedure is only available on refusal to submit to medical examination, and not on other offences, such as failure to comply with a condition of registration as a conscientious objector.

An application under sub-s. (2A) must be made in the form prescribed by the National Service (Miscellaneous) (Amendment) (No. 3) Regulations, 1941 (S. R. & O., 1941, No. 2037).

5. Breach of condition of registration as conscientious objector.—(1) Where it appears to the Minister that a conditionally registered conscientious objector has failed to comply with any condition on which he is registered, but had reasonable excuse for the failure, the Minister may refer his case to a local tribunal. [60]

(2) On any such reference of the case of any person, the tribunal, if it is satisfied that he has failed to comply with the condition but had reasonable excuse for the failure, shall report to the Minister accordingly and either—

- (a) make no order in the matter ; or
- (b) order that he shall be registered without conditions in the register of conscientious objectors ; or
- (c) order that the condition on which he was registered shall be varied, or that another condition shall be substituted therefor ;

and any order made under paragraph (b) or (c) of this subsection shall have effect notwithstanding any previous order made by a local or appellate tribunal. [61]

(3) Where the case of any person has been referred to a local tribunal under this section—

- (a) that person, if he is aggrieved by the order of the tribunal or by its failure to make an order or report to the Minister ; or
- (b) the Minister, if he considers it necessary ;

may within the prescribed time and in the prescribed manner appeal to the appellate tribunal, and the decision of the appellate tribunal shall be final. [62]

(4) If a conditionally registered conscientious objector fails to comply with any condition on which he is registered, he shall, unless he satisfies the court that he had reasonable excuse for the failure, be guilty of an offence under the principal Act and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine ; or
- (b) on summary conviction, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine. [63]

(5) A prosecution against any person under the last foregoing subsection for failing to comply with a condition shall not be instituted except by or with the consent of the Minister ; and where the case of any person has been referred to a local tribunal under subsection (1) of this section, the Minister shall not institute or consent to the institution of such a prosecution against him—

- (a) unless that tribunal has determined the matter and made no report that he had reasonable excuse for the failure and the time for appealing from that determination has expired ; or

- (b) where an appeal has been brought from the determination of the local tribunal, unless the appellate tribunal has determined the matter and made no such report as aforesaid. [64]
- (6) On the prosecution of any person for such an offence, a certificate purporting to be signed on behalf of the Minister and stating—
- (a) that he has not referred the case of that person to a local tribunal under subsection (1) of this section; or
- (b) that he has so referred the case and either—
- (i) that the local tribunal has determined the matter and made no such report and that the time for appealing from the determination has expired; or
- (ii) that an appeal has been brought from the determination of the local tribunal and that the appellate tribunal has determined the matter and made no such report;

shall be conclusive evidence of the facts so stated. [65]

(7) Subsection (8) of section five of the principal Act shall cease to have effect. [66]

The present section enables breach of a condition to be punished, in case of wilful default, without the necessity of reference to a tribunal. This reference to a local tribunal is designed to meet cases where conditions have been imposed upon conscientious objectors who have not been able to fulfil them, either from physical reasons or because work of the specified kind has not been obtainable. If the tribunal, i.e. either the local tribunal or the appellate tribunal on an appeal under sub-s. (3) comes to a new decision, the person cannot be prosecuted provided the decision is carried out. It will be noticed that the previously existing power to transfer to the military service register for non-combatant duties has not been reproduced: this is in pursuance of the change of policy given effect in s. 6, *post*, but the other conditions which may be substituted under sub-s. 2 (c) will include non-combatant employment in military service.

An appeal by a conscientious objector under sub-s. (3) must be made within twenty-one days of the decision of the local tribunal (National Service (Miscellaneous) (Amendment) (No. 2) Regulations, 1941 (S. R. & O., 1941, No. 1172)), in the form prescribed by those regulations.

6. Transfer of non-combatants from military service register to register of conscientious objectors.—(1) After the commencement of this Act, the name of any person to be registered by virtue of any provision of the principal Act as a person liable under that Act to be called up for service, but to be employed only in non-combatant duties, shall be registered in the register of conscientious objectors instead of in the military service register; and any provision of the principal Act authorising or requiring the removal of the name of a person from the register of conscientious objectors in connection with his registration as a person liable as aforesaid shall cease to have effect. [67]

(2) As soon as may be after the commencement of this Act, the Minister shall remove from the military service register the names of all persons registered therein as persons liable under the principal Act to be called up for service, but to be employed only in non-combatant duties, or deemed to be so registered by virtue of subsection (3) of section twelve of that Act, and shall register them in the register of conscientious objectors as persons liable as aforesaid. [68]

(3) Where a person is registered in the register of conscientious objectors as a person liable under the principal Act to be called up for service, but to be employed only in non-combatant duties, nothing in subsection (10) of section five of that Act shall affect his liability to be so called up. [69]

The purpose of this section is to give effect to the change of policy in relation to the registration of conscientious objectors referred to in the Preliminary Note, *ante*. In future persons registered for non-combatant military service are to be placed upon the same footing as persons conditionally registered for civilian work. Sub-s. (1) makes the change in relation to persons registered after the commencement of the Act and sub-s. (2) deals with persons already registered with the same object.

Sub-s. (3) is consequential; s. 10 (5) of the principal Act prevented the calling up for military service of any person registered in the register of conscientious objectors.

7. Applications by conscientious objectors for service.—(1) A registered conscientious objector may at any time apply to the Minister in the prescribed manner either—

- (a) for the removal of his name from the register of conscientious objectors and for his registration in the military service register as a person liable under the principal Act to be called up for service ; or,
- (b) for his registration in the register of conscientious objectors as a person liable as aforesaid, but to be employed only in non-combatant duties. [70]

(2) A person registered in the register of conscientious objectors as a person liable under the principal Act to be called up for service, but to be employed only in non-combatant duties, may, at any time before the day specified in an enlistment notice served upon him as the day on which he is thereby required to present himself, apply to the Minister in the prescribed manner for the removal of his name from that register and for his registration in the military service register as a person liable under the principal Act to be called up for service. [71]

(3) The arrangements made under subsection (10) of section five of the principal Act by the Admiralty, Army Council and Air Council shall include arrangements for enabling a person registered in the register of conscientious objectors as a person liable under the principal Act to be called up for service, but to be employed only in non-combatant duties, to apply to the Minister, at any time on or after the day mentioned in the last foregoing subsection, for the removal of his name from that register and for his registration in the military service register as a person liable under the principal Act to be called up for service ; and where such an application is granted, the applicant may be employed in combatant duties. [72]

(4) Where an application made under this section is granted, the Minister shall cause the register or registers to be amended accordingly. [73]

An application by a registered conscientious objector under this section must be made in the form prescribed by the National Service (Miscellaneous) (Amendment) Regulations, 1941 (S. R. & O., 1941, No. 841).

8. Postponement certificates.—(1) Where, on any appeal to the umpire under subsection (3) of section six of the principal Act (which relates to postponement certificates), one or both of the assessors appointed to sit with the umpire is or are absent, then, with the consent in writing of the person to whose application the appeal relates, the umpire may, notwithstanding anything in that subsection, proceed to consider and determine the appeal with the other assessor or without either assessor, as the case may be. [74]

(2) In the last foregoing subsection references to the umpire include references to any deputy umpire. [75]

(3) The Minister may, in special circumstances, allow an application under section six of the principal Act for the renewal of a postponement certificate to be made at any time before an enlistment notice or enrolment notice is served on the holder of the certificate. [76]

For s. 6 of the principal Act, see 32 Statutes 1049.

9. Exemption of persons not ordinarily resident in Great Britain.—Subsection (1) of section eleven of the principal Act (which exempts certain persons from liability under the Act) shall have effect, and be deemed always to have had effect, as if the following paragraph were substituted for paragraph (a) thereof :—

- “(a) not being a person ordinarily resident in Great Britain, is either—
- (i) under the provisions of any Act in force in any part of His Majesty’s dominions outside Great Britain, a national or a citizen of that part within the meaning of that Act ; or
 - (ii) a person born or domiciled in any such part of His Majesty’s dominions, or in a British protectorate, mandated territory or any other country or territory being a country or territory under His Majesty’s protection or suzerainty.” [77]

The amendment by the present section removes an ambiguity in the wording of the old paragraph (a).

10. Reinstatement in civil employment.—(1) In subsection (1) of section fourteen of the principal Act (which relates to reinstatement in civil employment) for the words from the beginning of the section to “ that service ”, there shall be substituted the following words :—

“ It shall be the duty of the employer by whom any person was last employed during the period of fourteen days immediately preceding the day on which he was called up or called out (whether before or after the commencement of this Act) to reinstate him in his employment at the termination of his service as a person called up or called out.” [78]

(2) In the said section fourteen, for the words “ called from his civil employment for service connected with the present emergency ” and “ called from their civil employment for service connected with the present emergency ” wherever they occur, there shall be substituted the words “ called up or called out ”, and in subsection (2) of the said section for the words “ that service ” there shall be substituted the words “ the service of the employees as persons called up or called out.” [79]

(3) Where, by virtue of any provision of the Naval and Marine Forces (Temporary Release from Service) Act, 1940, or the Armed Forces (Conditions of Service) Act, 1939, a person called up or called out has, at any time (whether before or after the commencement of this Act) before such date as His Majesty may by Order in Council appoint, been released from service in the Royal Navy or the Royal Marines, or from army service or air force service, or from obligations which he is under by reason of the embodiment of any part of the territorial army or the auxiliary air force, his service in the royal navy, royal marines, army, air force, territorial army or auxiliary air force shall not, for the purposes of the said section fourteen, be deemed to have terminated by reason only of his release as aforesaid.

An Order in Council under this subsection may appoint different dates in relation to different forces or parts of forces. [80]

(4) The power of the Minister to make regulations under subsection (4) of the said section fourteen shall include power to make regulations for restraining employers from terminating the employment of their employees by reason of any duties or liabilities which they may become liable to perform or discharge by reason of their liability to be called up or called out. [81]

(5) For the purpose of this section and the said section fourteen—

- (a) the expression “ called up ” means called up under the Military Training Act, 1939, the principal Act or this Act ; and
- (b) the expression “ called out ” means called out for service under the Reserve and Auxiliary Forces Act, 1939, or called into service under the enactments (including any proclamation, Order in Council, regulation, warrant or other instrument) mentioned in subsection (8) of section one of that Act ;

and for the purpose of paragraph (b) of this subsection, the expression “ called into service ” means called into actual service, ordered to join the

Royal Navy, ordered to serve in the Royal Marine forces, called to army service, called out on permanent service, embodied, called out on service, or called out for service. [82]

This section is designed to put right a weakness in the provisions of s. 14 of the principal Act (32 Statutes 1955), which imposed no obligation upon an employer in a case where the employment had terminated at any time before the calling-up notice was received by the employed man. Now employment at any time during the period of fourteen days preceding calling-up enables the benefits of the section to be claimed.

11. Evidence on prosecutions.—(1) Where for the purposes of the prosecution of any person for an offence under the principal Act by reason of his failure to comply—

- (a) with the requirements of regulations made under subsection (1) of section two of that Act or with the requirements of subsection (9) of that section ; or
- (b) with the requirements of a notice served on him or directions given to him under section three of that Act ; or
- (c) with the requirements of an enrolment notice served on him under this Act ;

it is necessary to show that he is, or was at any particular time, a British subject or within particular limits of age, he shall be presumed to be, or to have been at that time, a British subject or within those limits of age, unless the contrary is proved :

Provided that, if it appears to the court that there are any special circumstances giving rise to doubt as to either of the matters aforesaid, the court may require the matter to be proved by the prosecution. [83]

(2) On the prosecution of any person (hereinafter in this subsection referred to as the “ defendant ”) for any offence under the principal Act—

- (a) a certificate purporting to be signed on behalf of the Minister, and stating that a person bearing the name in which the defendant is charged is, or was at any particular time, a conditionally registered conscientious objector so registered on a condition specified in the certificate, shall be evidence that the defendant is or was at that time such a conscientious objector and registered on the condition so specified ;
- (b) a certificate purporting to be signed by the chairman of a medical board, and stating that a person bearing the name in which the defendant is charged was examined by that board on a date specified in the certificate, shall be evidence that the defendant was so examined on that date :

Provided that, if it appears to the court that there are any special circumstances giving rise to doubt as to any matter stated in any such certificate, or as to the relation of any such certificate to the defendant, the court may require the prosecution to prove that matter, or that the certificate relates to the defendant, as the case may be. [84]

Sub-s. (1) repeats the provisions of Regulation 5 (1) of the Defence (Armed Forces) Regulations, 1939, S. R. & O., 1939, No. 1304, as amended by S. R. & O., 1940, No. 1443. It shifts the onus of proof of nationality and age to the defendant in the cases referred, although the proviso which enables the court in a proper case to require positive proof must not be overlooked.

Sub-s. (2) further facilitates prosecution by enabling formal proof of conditional registration as a conscientious objector and of medical examination to be given by certificate.

General

12. Interpretation.—(1) For the purposes of this Act the following expressions have the meanings hereby respectively assigned to them—

“ appellate tribunal ” means an appellate tribunal constituted under Part I of the Schedule to the principal Act ;

“civil defence force” means the police war reserve and any organisation which is declared by order of the Minister of Home Security to be a civil organisation established for forestalling or mitigating attacks by the enemy and to be a civil defence force for the purposes of this Act;

“registered conscientious objector” means a person who is for the time being registered in the register of conscientious objectors or is deemed to be so registered by virtue of subsection (3) of section twelve of the principal Act; and the expression “conditionally registered” in relation to a conscientious objector means a person who is for the time being conditionally so registered by virtue of an order made, or having effect as if it had been made, under paragraph (b) of subsection (6) of section five of the principal Act, or made under subsection (3) of section thirteen of that Act or made under this Act. [85]

(2) Any order made under the foregoing subsection by the Minister of Home Security may be varied or revoked by a subsequent order made by him. [86]

(3) In this Act any reference to the principal Act shall be construed as a reference to the principal Act as amended by any subsequent enactment or by any Regulations for the time being in force under the Emergency Powers (Defence) Acts, 1939 and 1940. [87]

The Auxiliary Fire Service is declared to be a civil defence force by the National Service (Civil Defence Force) Order, 1941 (S. R. & O. 1941, No. 775), and the Civil Defence Reserve by the National Service (Civil Defence Force) (No. 2), Order 1941 (S. R. & O., 1941, No. 1567).

13. Application to Scotland. [88]

14. Amendment of Act by Defence Regulations.—Paragraph (d) of subsection (2) and subsection (4) of section one of the Emergency Powers (Defence) Act, 1939, as amended by subsection (2) of section one of the Emergency Powers (Defence) Act, 1940, shall have effect as if this Act had been passed before the commencement of the last mentioned Act. [89]

For s. 1 of the Emergency Powers (Defence) Act, 1939, see 32 Statutes 930, and for the amendment by s. 1 (2) of the Act of 1940, see 33 Statutes 542.

See further the notes to ss. 1 and 6 of the National Service (No. 2) Act, 1941.

15. Expenses.—Any expenses incurred by a Secretary of State or other Minister of the Crown in consequence of the passing of this Act shall be defrayed out of moneys provided by Parliament. [90]

16. Short title, construction and repeal.—(1) This Act may be cited as the National Service Act, 1941, and shall be construed as one with the National Service (Armed Forces) Acts, 1939 and 1940, and may be cited together with those Acts as the National Service Acts, 1939 to 1941. [91]

(2) The sections of the principal Act set out in the first column of the Schedule to this Act are hereby repealed to the extent specified in the second column of that Schedule. [92]

SCHEDULE

Section 16.

PROVISIONS OF PRINCIPAL ACT REPEALED

Section of principal Act	Extent of Repeal
Section five	In subsection (6), the words “that his name shall be removed from the register of conscientious objectors and” and the words “without qualification”; subsection (8); in subsection (9) the words “remove his name from the register of conscientious objectors and”
Section fourteen	Subsection (5). [93]

ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL ADDING REGULATION . . . 68AB TO . . . THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 50

January 15, 1941

* * * * *

4. After Regulation sixty-eight AA of the principal Regulations, there shall be inserted the following Regulation :—

“68AB.—(1) Where for the purpose of housing persons rendered homeless as a direct or indirect consequence of enemy action any authority or person, in the exercise of powers conferred by or under Regulation fifty-one of these Regulations, takes possession of a dwelling-house held on a tenancy from week to week, then if—

- (a) the dwelling-house has not been actually dwelt in during the period of twenty-one days immediately before the day on which possession of the dwelling-house is so taken, and any sums which have accrued due by way of rent before that day remain unpaid ; and
- (b) before so taking possession of the dwelling-house the said authority or person has served upon the lessee a notice complying with the provisions of paragraph (3) of this Regulation ;

any sum which would in accordance with the provisions of the Compensation (Defence) Act, 1939, have been payable to the lessee by way of compensation in respect of the taking possession of the dwelling-house shall, instead of being paid to the lessee, be paid to the lessor.

(2) Any sum so paid shall by virtue of this Regulation be appropriated in or towards satisfaction of any liability of the lessee for rent in respect of the period in respect of which the sum is so paid, so, however, that if the sum so paid in respect of any period during which the tenancy subsists exceeds the amount due from the lessee by way of rent in respect of that period, the lessor shall pay to the lessee a sum equal to the excess free from any deduction by way of set-off in respect of any other debt.

(3) A notice served for the purposes of this Regulation shall state that if, after the service thereof, possession of the dwelling-house is taken by the authority or person specified in the notice, any compensation payable under the Compensation (Defence) Act, 1939, in respect of the possession thereof during any period during which the tenancy subsists will be paid to the lessor, who will be under a duty to pay over to the lessee the amount, if any, by which the compensation paid in respect of any period exceeds the rent accruing due from the lessee during that period.

(4) In this Regulation the expression ‘tenancy’ includes an under-lease, and the expressions ‘lessor’ and ‘lessee’ shall be construed accordingly.”

[94]

* * * * *

ORDER IN COUNCIL ADDING REGULATION 26A . . . TO THE DEFENCE (GENERAL) REGULATIONS, 1939 . . . AND AMENDING THE THIRD SCHEDULE THERETO

S. R. & O., 1941, No. 68

January 15, 1941

At the Court at Buckingham Palace, the 15th day of January, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. The following Regulation shall be inserted after Regulation twenty-six of the Defence (General) Regulations, 1939 (hereinafter referred to as “ the principal Regulations ”) :—

“ 26A.—(1) The Secretary of State may by order make provision—

- (a) for requiring that all persons, or all persons of either sex, being British subjects who, at the date of a notice published under the order, reside in any area to which the order applies or in such part thereof as may be prescribed and are of the age prescribed for their sex, shall be registered for the performance in that area of part-time civil defence duties ;
- (b) for the application of the order to such areas as the Secretary of State may direct, being areas in which it appears to him that the number of persons voluntarily enrolled for civil defence duties or any particular civil defence duty is insufficient ;
- (c) for requiring persons so registered in any area to be compulsorily enrolled for the performance in that area, or the part thereof prescribed as aforesaid, of part-time civil defence duties of such nature as may be specified in the order.

(2) No person shall be required to register under any such order who has not attained the age of sixteen years or has attained the age of sixty years, and different ages may be prescribed for different sexes and different areas.

(3) It shall be the duty of every person enrolled under any such order for the performance of civil defence duties of any nature to comply with any directions given to him in accordance with the order defining the duties of that nature to be performed by him, and the time, place and manner of their performance :

Provided that no person shall be required by any such directions to perform more than part-time duties.

(4) No person shall be entitled to any remuneration for performing the duties which he is required to perform by virtue of an order made under this Regulation.

(5) Any such order—

- (a) shall provide for enabling any person to obtain, on medical grounds or grounds of exceptional hardship, exemption from enrolment or release from duties under the order ; and

(b) may provide for the exemption from registration or enrolment, or for the release from duties, of such classes of persons as may be prescribed.

(6) The Secretary of State may by order make provision with respect to tribunals for hearing such applications and appeals, with respect to duties imposed by this Regulation, as may be specified in an order made under this Regulation, and with respect to the procedure on such applications and appeals.

(7) Any order made under this Regulation may provide for the delegation to Regional Commissioners of the powers exercisable by the Secretary of State by virtue of sub-paragraph (b) of paragraph (1) of this Regulation, or any other powers exercisable under the order.

(8) In this Regulation—

(a) the expression ‘civil defence duties’ means duties the performance of which a local authority is required or authorised to organise in the discharge of functions conferred or imposed on it by the Air-Raid Precautions Act, 1937, or the Civil Defence Act, 1939, or this Part of these Regulations, or any functions relating to the extinction of fires whether exercisable under those Acts or this Part of these Regulations or otherwise;

(b) the expression ‘part-time duties’ means duties which do not occupy in the aggregate more than forty-eight hours in each month;

(c) the expression ‘prescribed’ means prescribed by an order made under this Regulation or directions given under any such order.

(9) In the application of this Regulation to Northern Ireland, references to the Air Raid Precautions Act (Northern Ireland), 1938, and to the Civil Defence Act (Northern Ireland), 1939, shall respectively be substituted for the references to the Air-Raid Precautions Act, 1937, and to the Civil Defence Act, 1939.” [95]

* * * *

5. The Third Schedule to the principal Regulations shall be amended by inserting the following entries after the entry relating to Regulation twenty-three AB :—

“Regulation 26A. By or on behalf of any local authority on which functions are conferred under that Regulation.” [96]

* * * *

ORDER IN COUNCIL . . . AMENDING REGULATION . . . 26A . . . OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 340

March 14, 1941

* * * *

2. Paragraph (1) of Regulation twenty-six A of the principal Regulations shall be amended as follows :—

(a) In paragraph (a), for the word “requiring” there shall be substituted the word “securing,” and for the words from “who” to “and” there shall be substituted the words “to whom the other applies and who”, and the words “in that area” shall be omitted;

(b) In paragraph (b), after the word "order" there shall be inserted the following words :—

"(i) to persons who, at the date of a notice published under the order, reside in any area to which the order applies or any such part thereof as may be prescribed, or to persons who, at the date of such a notice, work at premises in any such area or part as aforesaid, or both to persons who so reside and to persons who so work, and

(ii) " [97]

* * * * *

ORDER IN COUNCIL AMENDING REGULATION . . . 29B OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 437

March 26, 1941

* * * * *

2. The following amendments shall be made in Regulation twenty-nine B of the principal Regulations :—

(1) In paragraph (1)—

(a) for the words "A Secretary of State or the Minister of Health" there shall be substituted the words "The appropriate authority"; and

(b) after the word "constables" there shall be inserted the words "or as members of the women's auxiliary police corps or as members of the observer corps"; and

(c) for the word "Regulation" where it secondly occurs there shall be substituted the word "paragraph".

(2) After paragraph (1) there shall be inserted the following paragraph :—

"(1A) The appropriate authority may by order apply this paragraph to persons employed as constables or as members of the women's auxiliary police corps or as members of the observer corps, or to persons in the service of local authorities employed in any capacity to which this Regulation applies, and if any person so employed to whom this paragraph is applied—

(a) disobeys any lawful order given to him in the course of that employment; or

(b) without reasonable excuse is absent from any place at a time when it is his duty to be there in the course of that employment,

he shall be guilty of an offence against this Regulation and shall on summary conviction be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten pounds, or to both such imprisonment and such fine :

Provided that this paragraph shall not be applied to persons employed without remuneration."

(3) After paragraph (3) there shall be inserted the following paragraph—

"(3A) For the purposes of this Regulation, the expression 'the appropriate authority' means—

(a) in relation to a person employed as a constable, not being a person appointed under section three of the Special Constables Act,

1923, or a person employed by any railway, inland navigation, dock or harbour undertaking, a Secretary of State ;

- (b) in relation to a person employed as a constable, being a person appointed on the nomination of the Admiralty, Army Council or Air Council under the said section three, the Admiralty, Army Council or Air Council, as the case may be ;
- (c) in relation to a person employed as a constable by any railway, inland navigation, dock or harbour undertaking, the Minister of Transport ;
- (d) in relation to a person employed as a member of the women's auxiliary police corps, a Secretary of State ;
- (e) in relation to a person employed as a member of the observer corps, the Air Council ;
- (f) in relation to a person in the service of a local authority employed in any capacity to which this Regulation applies, a Secretary of State or the Minister of Health."

(4) In sub-paragraph (a) of paragraph (5), for the words " the reference " and " a reference " there shall be substituted the word " references ", and after the word " Health " there shall be inserted the words " or the Minister of Transport." [98]

* * * * *

ORDER IN COUNCIL ADDING REGULATION 23AA TO THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 653

May 9, 1941

* * * * *

4. After Regulation twenty-three A of the principal Regulations there shall be inserted the following Regulation :—

"23AA.—(1) Where a Regional Commissioner is satisfied, as respects any premises or place in his region :—

- (a) that the premises or place are or is used for the purpose of obtaining protection from war operations ; and
- (b) that, having regard to the number of persons resorting thereto (whether for that or any other purpose), the degree of protection afforded therein is inadequate or the use thereof involves undue risk of injury to health,

he may by notice in writing served on the occupier of, or fixed to, the premises or place, direct the occupier to restrict, in such manner as may be specified in the directions, the use thereof for that purpose by members of the public, or to take such steps to prevent the use thereof for that purpose by members of the public as may be reasonably necessary and may be so specified :

Provided that directions shall not be given under this Regulation as respects any premises as respects which directions given by a local authority under Regulation twenty-three or Regulation twenty-three AB of these Regulations are for the time being in force.

(2) Directions given under this Regulation may be absolute or may be expressed to operate if and so long as the conditions specified therein are not complied with.

(3) If the occupier of any premises or place fails to comply with directions given to him under this Regulation requiring him to take any steps to prevent such use thereof as aforesaid, any person authorised by the Regional Commissioner may enter the premises or place and himself take those steps, and any expenses incurred by or on behalf of the Regional Commissioner in the exercise of the powers conferred by this paragraph may be recovered by him from the occupier summarily as a civil debt.

(4) In this Regulation, the expression 'occupier' includes, in relation to any unoccupied premises or place, the person entitled to the occupation thereof." [99]

* * * * *

ORDER IN COUNCIL . . . AMENDING REGULATION . . . 29B . . . OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 743

May 30, 1941

* * * * *

2. After paragraph (1A) of Regulation twenty-nine B of the principal Regulations there shall be inserted the following paragraph :—

"(1B) Where a person in the service of a local authority is employed by the authority in any capacity to which this Regulation applies, his duties in the course of that employment shall, where the local authority so directs, include—

- (a) the performance of the functions of a person employed in any other such capacity, including the undergoing of training in the performance of such functions ;
- (b) the performance of his duties (including duties imposed on him under sub-paragraph (a) of this paragraph) outside the area of the local authority as a member of a party or detachment of persons employed in any capacity to which this Regulation applies sent to the area of any other local authority for the purpose of helping to deal with the effects of enemy action in that area ;

Provided that nothing in this paragraph shall apply to a person employed without remuneration." [100]

* * * * *

**ORDER IN COUNCIL AMENDING REGULATION . . .
29B OF THE DEFENCE (GENERAL) REGULATIONS, 1939**

S. R. & O., 1941, No. 1153

August 5, 1941

At the Court at Buckingham Palace the 5th day of August, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940 and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

2. In paragraph (1) of Regulation twenty-nine B of the principal Regulations after the words “in accordance with the provisions of the order” there shall be inserted the words “and any such order may provide for requiring any person whose services are so dispensed with—

- (a) to return, if called upon, to the employment in which he was employed at the time when his services were dispensed with, or, in the case of a person in the service of a local authority employed in any capacity to which this Regulation applies, to employment in that or any other such capacity in the service of that authority ; and
- (b) to notify his address and any change of address in accordance with the order.” **[101]**

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**ORDER IN COUNCIL AMENDING REGULATION 29B OF
THE DEFENCE (GENERAL) REGULATIONS, 1939**

S. R. & O., 1941, No. 1211

August 15, 1941

At the Court at Buckingham Palace, the 15th day of August, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts 1939 and 1940 and of all other powers enabling him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered that Regulation twenty-nine B of the Defence (General) Regulations, 1939 shall be amended as follows :—

- (a) in paragraph (1) after the words “local authorities” there shall be inserted the words “or harbour authorities”, and after the words “local authority” there shall be inserted the words “or a harbour authority” ;
- (b) in paragraph (1A) after the words “local authorities” there shall be inserted the words “or harbour authorities” ;
- (c) in paragraph (1B) after the words “local authority”, in the first place in which those words occur, there shall be inserted the words “or

a harbour authority", after the said words, in the last place in which they occur, there shall be inserted the words "or harbour authority", and the word "local", in the second and third places in which that word occurs, shall be omitted;

- (d) in sub-paragraph (f) of paragraph (3A) after the words "local authority" there shall be inserted the words "or a harbour authority".
[102]

* * * * *

ORDER IN COUNCIL ADDING REGULATION 23AD . . . TO THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1407

September 11, 1941

At the Court at Buckingham Palace, the 11th day of September, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. After Regulation twenty-three AC of the Defence (General) Regulations, 1939 (hereinafter referred to as "the principal Regulations"), there shall be inserted the following Regulation :—

"23AD.—(1) Where premises are being used for affording facilities for the storage of bedding, blankets or other articles in connection with the use thereof in a public shelter, the local authority in whose area the premises are situated shall have power—

- (a) for the purpose of providing against risk of infestation of such articles with vermin or of dealing with any such articles which are in such a filthy condition as to be prejudicial to health, to authorise an officer of the authority or other person to enter on the premises and inspect them and any such articles found thereon;
- (b) for the purpose aforesaid, to cause any such article found thereon which appears to the person carrying out the inspection to be verminous or in such condition as aforesaid to be cleansed or treated, or (if the destruction thereof appears to the local authority to be necessary) to be destroyed, and, if necessary for any of those purposes, to be removed from the premises;
- (c) if it appears to the person carrying out the inspection that the premises are infested with vermin, for the purpose of providing as aforesaid, to require the owner or occupier of the premises to take such steps for remedying their condition as may be specified in the requirement, and, if any work specified in the requirement is not carried out in accordance therewith, to carry out the work themselves and to recover the expenses reasonably incurred by them in so doing from the person in default;
- (d) if it appears to the person carrying out the inspection that the premises are infested with vermin, for the purpose of providing as aforesaid, to prohibit the use thereof for such storage as aforesaid, so however

that such a prohibition shall be withdrawn when the authority are satisfied that adequate steps have been taken for remedying the condition of the premises.

(2) The powers conferred upon local authorities by this Regulation shall be exercisable by them subject to any restrictions and conditions imposed by the Minister of Health and in accordance with any directions given by him.

(3) In this Regulation—

the expression ‘owner’ means, in relation to any premises, the person who is for the time being entitled to receive the rack rent payable in respect of the premises, whether for his own benefit or as agent or trustee for another person, or who would be so entitled if the premises were let at a rack rent;

the expression ‘public shelter’ has the meaning assigned to it by Regulation twenty-three AB of these Regulations.

(4) This Regulation shall, in its application to Scotland, have effect subject to the following modifications :—

- (a) for the reference to the Minister of Health there shall be substituted a reference to the Secretary of State;
- (b) the expression ‘owner’ has the same meaning as in the Public Health (Scotland) Act, 1897;
- (c) the expression ‘local authority’ does not include a district council.”

[103]

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ORDER IN COUNCIL AMENDING REGULATION 29B OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1900

November 27, 1941

At the Court at Buckingham Palace, the 27th day of November, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1.—(1) For paragraph (1) of Regulation twenty-nine B of the Defence (General) Regulations, 1939, there shall be substituted the following paragraph :—

“(1) The appropriate authority may by order provide—

- (a) for requiring persons employed as constables or as members of the women's auxiliary police corps as or members of the Royal Observer Corps or as members of the civil defence reserve, and persons in the service of local authorities or harbour authorities employed in any capacity to which this Regulation applies, to continue in such employment until their services are dispensed with, or they are transferred, in accordance with the provisions of the order;

- (b) for enabling any person employed as a member of the civil defence reserve to be transferred to employment in any capacity to which this Regulation applies in the service of any such authority, and any person in the service of any such authority employed in any such capacity to be transferred to employment as a member of the civil defence reserve, or to employment in any other such capacity in the service of that authority, or to employment in the same or any other such capacity in the service of any other such authority ;
- (c) for requiring any person whose services are so dispensed with to return, if called upon, to the employment in which he was employed at the time when his services were dispensed with, or, in the case of a person employed as a member of the civil defence reserve, or a person in the service of a local authority or a harbour authority employed in any capacity to which this Regulation applies, either to that employment or to employment as a member of that reserve or in any such capacity in the service of any such authority, and, unless and until so called upon, to notify his address and any change of address in accordance with the order ;
- (d) for any incidental and supplementary matters for which the appropriate authority thinks it expedient to provide :

Provided that no order made under this paragraph shall apply to persons employed without remuneration."

- (2) In paragraph (1A) of the said Regulation for the words "observer corps" there shall be substituted the words "Royal Observer Corps or as members of the civil defence reserve".
- (3) In paragraph (1B) of the said Regulation after the words "capacity" in sub-paragraph (a) there shall be inserted the words "(whether or not the authority employs persons in that capacity)".
- (4) In paragraph (2) of the said Regulation, for the words "or decontamination service" there shall be substituted the words "decontamination or civil defence messenger service".
- (5) In paragraph (3A) of the said Regulation for the words "observer corps" in sub-paragraph (e) there shall be substituted the words "Royal Observer Corps", and after that sub-paragraph there shall be inserted the following sub-paragraph :—

"(ee) in relation to a person employed as a member of the civil defence reserve, a Secretary of State." [104]

2. Notwithstanding anything in this Order, any order under paragraph (1) of the said Regulation which is in force at the date when this Order comes into operation shall continue in force and have effect as from that date as if it had been made under the paragraph substituted for the said paragraph (1) by this Order. [105]

3. The Interpretation Act, 1889, applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament. [106]

* * * * *

**ORDER IN COUNCIL AMENDING REGULATION . . . 29B
OF THE DEFENCE (GENERAL) REGULATIONS, 1939,
AND ADDING REGULATION . . . 29BA . . . AND 99A
THERETO**

S. R. & O., 1941, No. 2052

December 18, 1941

* * * * *

1.—(1) (a) At the end of each of paragraphs (1), (1A) and (1B) of Regulation twenty-nine B of the Defence (General) Regulations, 1939, there shall be added the words “where the employment was entered upon voluntarily.”

(b) After paragraph (1B) of that Regulation there shall be inserted the following paragraph :—

“(1c) Members of the civil defence reserve and persons in the service of local authorities and harbour authorities employed in any capacity to which this Regulation applies may, subject to any directions given by the appropriate authority, be employed on the construction or improvement of buildings or works used or intended for civil defence purposes (including the purposes of the National Fire Service) or on work for forestalling or mitigating the effects of enemy action, and the duties of those members or persons in the course of their employment as such shall include the doing of any work on which they may be employed under this paragraph :

Provided that nothing in this paragraph shall apply to a person employed without remuneration.”

(c) After paragraph (2) of that Regulation there shall be inserted the following paragraph :—

“(2A) For the purposes of this Regulation, any person enrolled for the performance of civil defence duties organised by a local authority shall be deemed to be in the service of that authority ; and in this paragraph the expression ‘ civil defence duties ’ has the meaning assigned to it by Regulation twenty-six A of these Regulations.”

(2) After the said Regulation twenty-nine B there shall be inserted the following Regulation :—

“29BA.—(1) The Minister of Labour and National Service or any National Service Officer may, subject to the provisions of this Regulation, direct any person in Great Britain to do any of the following things, that is to say—

(a) to become a special constable for a specified police district, or, as the case may be, to join the women’s auxiliary police corps ;

(b) to join the Royal Observer Corps ;

(c) to join the National Fire Service ;

(d) to join the civil defence reserve ;

(e) to enter the service of a specified local or harbour authority for employment in any specified capacity, being a capacity to which Regulation twenty-nine B of these Regulations applies,

and for that purpose to present himself at a specified time and place.

(2) The Minister of Labour and National Service shall by order make provision—

(a) for enabling persons to whom directions are given under this Regulation to apply, within such period and on such grounds as may be specified in the order, for the withdrawal or modification of the directions ;

- (b) for the reference of such applications to such tribunals as may be so specified for recommendations with respect thereto ;
- (c) for the withdrawal or modification of the directions or the confirmation or re-issue thereof with or without modification (but, whether or not there is any modification, without any further right to apply for the withdrawal or modification thereof) according as may appear expedient having regard to the recommendations ;
- (d) for any incidental and supplementary matters for which the Minister thinks it expedient to provide.

(3) A direction under this Regulation shall not require a person to join any civil defence force within the meaning of the National Service Act, 1941, as a whole-time member ; but, subject as aforesaid, every such direction shall, unless the contrary is expressly stated therein, have effect as a direction to join, or to enter the service, as the case may be, as a whole-time member, and a direction to join, or enter the service, otherwise than as a whole-time member may, to such extent as the person giving the direction may think fit, define the extent of the obligations which the person to whom the direction is given is to undertake."

- (3) (a) In paragraph (1) of Regulation fifty-eight A of the said Regulations, after the words " (hereafter in this Regulation referred to as ' the Minister ') " there shall be inserted the words " or any National Service Officer ", for the words " the United Kingdom " (where those words first occur) there shall be substituted the words " Great Britain ", after the words " specified by " there shall be inserted the words " or described in ", and after the words " the Minister " (in the last place where those words occur) there shall be inserted the words " or Officer ".

- (b) After the said paragraph (1) there shall be inserted the following paragraph :—

" (1A) Any such direction shall, except so far as the contrary intention appears therefrom, continue in force until the direction is varied by a subsequent direction or withdrawn by the Minister or a National Service Officer."

- (c) In paragraph (2) of the said Regulation after the words " the Minister " in the first place where they occur, there shall be inserted the words " or a National Service Officer ", and, in the proviso to that paragraph, for the words " the Minister shall have regard " and for the words " shall have regard " in the last two places where they occur, there shall be substituted the words " regard shall be had ", and the words " to the Minister " shall be omitted.

- (d) For paragraph (3) of the said Regulation the following paragraphs shall be substituted—

" (3) Any person who has been convicted of an offence against this Regulation by reason of his failure to comply with any direction to perform services given under this Regulation shall, if the failure continues after the conviction, be guilty of a further offence against this Regulation, and shall, in addition to the penalties provided for by Regulation ninety-two of these Regulations, be liable in respect thereof to a fine not exceeding five pounds for every day on which the failure so continues.

(3A) If a person to whom a direction to perform services has been given under this Regulation is, while that direction is in force, employed, otherwise than with the written consent of a National Service Officer, by any person other than the person for whom he is to perform the services required by the direction, the employer shall, if he knew that such a direction was in force, be guilty of an offence against this Regulation, and, if, after the conviction, the

direction is still in force and the employment still continues, shall be guilty of a further offence against this Regulation and shall, in addition to the penalties provided for by Regulation ninety-two of these Regulations, be liable in respect thereof to a fine not exceeding five pounds for every day after the conviction on which the direction is still in force and the employment still continues :

Provided that it shall be a defence to a person charged by virtue of this paragraph with an offence against this Regulation that the employment which is the subject of the charge did not interfere with the performance by the person employed of the services required of him by the direction."

- (e) In paragraph (4) of the said Regulation, after the word "themselves" in sub-paragraph (a) there shall be inserted the words "or the persons employed by them".
- (f) At the end of sub-paragraph (b) of paragraph (4A) of the said Regulation there shall be inserted the words "or refusing to work reasonable overtime or to work at the times when they are required to work or to obey lawful orders in relation to their work, or impeding the work of the undertaking."
- (g) In sub-paragraph (c) of the said paragraph (4A) the word "every" shall be omitted and for the words "person", "he" (in both places where it occurs), "him", "his" and "is" (in the second place where it occurs) there shall be substituted the words "persons", "they", "them", "their", and "are."
- (h) For paragraph (5) of the said Regulation there shall be substituted the following paragraph—

"(5) Paragraphs (1), (1A) and (2) of this Regulation shall have effect in relation to persons in Northern Ireland as they have effect in relation to persons in Great Britain but as if for references to the Minister there were substituted references to the Ministry of Labour for Northern Ireland, and paragraphs (4) and (4A) of this Regulation shall, in their application to Northern Ireland, have effect as if for the references therein to the Minister there were substituted references to the said Ministry". [107]

* * * * *

After Regulation ninety-nine of the said Regulations there shall be inserted the following Regulations :—

"99A. (1) The Minister of Home Security may by order direct that, for the purpose of these Regulations or any instrument having effect thereunder, such parts of Great Britain as may be specified in the order shall be civil defence regions and shall be called by such names as may be so specified.

(2) Where any such order is varied by a subsequent order, the subsequent order may contain such transitional and incidental provisions as may appear to the said Minister to be expedient.

(3) The said Minister may assign one or more Regional Commissioners to a civil defence region, and may, as respects a Commissioner for the time being so assigned to a region, by order provide for relating to that region, subject to the provisions of the order, all or any of the functions exercisable by him as a Regional Commissioner by virtue of these or any other Defence Regulations or any instrument having effect thereunder.

(4) Subject to any order made under the foregoing paragraph, the functions exercisable by a Regional Commissioner by virtue of these or any other Defence Regulations or any instrument having effect thereunder shall be exercisable throughout Great Britain." [108]

* * * * *

ORDER IN COUNCIL AMENDING REGULATIONS . . . 23AA AND 100 . . . OF THE DEFENCE (GENERAL) REGULA- TIONS, 1939

S. R. & O., 1941, No. 2052

December 18, 1941

* * * *

2.—(1) . . .

(2) . . .

(3) In paragraph (1) of Regulation twenty-three AA of the said Regulations the words "in his region" shall be omitted; and in paragraph (3) of that Regulation for the words "the Regional Commissioner" in both places in which those words occur, there shall be substituted the words "a Regional Commissioner."

* * * *

In paragraph (1) of Regulation one hundred of the said Regulations, after the definition of the expression "chief officer of police" there shall be inserted the following definition:—

" 'Civil defence region' means a part of Great Britain which is a civil defence region for the purpose of these Regulations by virtue of an order for the time being in force under paragraph (1) of Regulation nine-nine A of these Regulations; " and in the definition of the expression "Regional Commissioner" there shall be inserted after the words "Regional Commissioner" where they secondly occur, the words "or deputy Regional Commissioner."
[109]

* * * *

ORDER DEFINING AN AREA AND AUTHORISING CERTAIN LOCAL AUTHORITIES TO ACT FOR THE PURPOSES OF REGULATION 31C OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 17

January 6, 1941

103064.

The Minister of Health (hereinafter called "the Minister") in exercise of the powers conferred on him by Regulation 31c of the Defence (General) Regulations, 1939, and of all other powers enabling him in that behalf orders as follows:—

1. Regulation 31c shall apply to the area described in the Schedule to this Order, which the Minister hereby declares to be an area from which, having regard to hostile attacks and the likelihood of further hostile attacks in the area, it is expedient to remove children who are suffering in mind or body as the result of their residence in the area or are in such a state of health as to be likely so to suffer. [110]

2. The Minister hereby authorises the following local authorities to act under his authority for the purposes of the said Regulation 31c, that is to say:—

(a) as respects any child who has not attained the age of 5 years and is not attending a school for which a local education authority is

responsible, the welfare authority for the area in which the child resides ;

- (b) as respects any child who has not attained the age of 5 years but is attending a school for which a local education authority is responsible, or any child who has attained the age of 5 years but has not attained the age of 14 years,
- (i) in the case of a child who is attending or whose name is borne upon the register of a school for which a local education authority is responsible, that local authority, and
- (ii) in any other case the local education authority for elementary education for the area within which the child resides. [111]

3. In this Order :—

- (a) the expression "welfare authority" means a welfare authority for the purposes of Part VII of the Public Health Act, 1936, or (where that Act is applicable) for the purposes of Part XIII of the Public Health (London) Act, 1936 ;
- (b) the expression "local education authority" means a local education authority for the purposes of the Education Act, 1921. [112]

SCHEDULE

The area consisting of :—

The City of London.

The Metropolitan Boroughs of Battersea, Bermondsey, Bethnal Green, Camberwell, Chelsea, Deptford, Finsbury, Fulham, Greenwich, Hackney, Hammersmith, Hampstead, Holborn, Islington, Kensington, Lambeth, Lewisham, Paddington, Poplar, St. Marylebone, St. Pancras, Shoreditch, Southwark, Stepney, Stoke Newington, Wandsworth, Westminster and Woolwich.

The County Boroughs of Croydon, East Ham and West Ham.

The Boroughs of Acton, Barking, Brentford and Chiswick, Chingford, Ealing, Edmonton, Erith, Hornsey, Ilford, Leyton, Mitcham, Tottenham, Walthamstow, Wanstead and Woodford, Willesden and Wood Green and the Urban District of Penge.

So much of each of the following Boroughs and Urban Districts as has been declared by the Minister of Health to be an evacuable area or an area in respect of which an evacuation plan should be prepared, that is to say :—

The Boroughs of Barnes, Beckenham, Bexley, Dagenham, Dartford, Gravesend and Wimbledon and the Urban Districts of Crayford, Enfield, Hornchurch, Merton and Morden, Northfleet, Swancombe, Thurrock, and Waltham Holy Cross. [113]

* * * * *

THE LOCAL AUTHORITIES (COMMUNITY KITCHENS AND SALE OF FOOD IN PUBLIC AIR RAID SHELTERS) ORDER, 1941

S. R. & O., 1941, No. 103

January 28, 1941

In exercise of the powers conferred on him by Regulation 54B of the Defence (General) Regulations, 1939, as amended, the Minister of Food hereby orders and directs as follows :—

1. In this Order :—

"Food" has the same meaning as in the Food and Drugs Act, 1938.

[114]

2. Every Local Authority is required, after consultation with and subject to any directions which may be given to that authority by the Minister of Food, to perform the functions of setting up community feeding centres within its area and of selling or supplying food at any time within any public air raid shelter situate within that area. [115]

3. The Sale of Food (Public Air Raid Shelters) Order, 1940, shall not apply to the sale or supply of food by any Local Authority in pursuance of this Order. [116]

4. This Order may be cited as the Local Authorities (Community Kitchens and Sale of Food in Public Air Raid Shelters) Order, 1941, and shall come into force on the date hereof. [117]

* * * * *

DIRECTIONS UNDER THE SALE OF FOOD (PUBLIC AIR RAID SHELTERS) ORDER, 1940

The following 1941 Orders have been made :—

Area.	Number.	Date.
Bootle	193	Feb. 14
Wallesey	194	Feb. 14
Nottingham	278	Mar. 3
Newcastle-upon-Tyne	363	Mar. 18
Birmingham... ..	465	Apr. 2
Birkenhead, Derby, Grimsby, Ipswich, Lincoln, Leicester, Manchester, Northampton, Norwich, Salford, Southend-on-Sea, Luton, Peterborough, Romford, St. Albans, Stratford, Watford, Brentwood, Hoddesdon, Hornchurch, Thurrock ...	547	Apr. 19
Middlesbrough, Portsmouth, Smethwick, Southampton, South Shields, Stoke-on-Trent, Sunderland, Tynemouth, West Bromwich, West Hartlepool, Wolverhampton, Blyth, Chatham, Dover, Eastleigh, Gillingham, Gosport, Hartlepool, Harwich, Jarrow, Lowestoft, Margate, Newcastle-under-Lyme, Poole, Ramsgate, Redcar, Reigate, Rugby, Stockton-on-Tees, Thornaby-on-Tees, Wallsend, Ashington, Billingham, Boldon, Eston, Felling, Gosforth, Hebburn, Newburn, Northfleet, Seaham, Swanscombe, Whitby, and Monkseaton	633	May 5
Grantham	809	June 7
Chelmsford and Colchester	832	June 12
Cardiff, Newport and Swansea	916	June 25
Consett, Darlington, Easington, Sunderland	925	June 27
Brighton, Gateshead, Great Yarmouth, Hastings, Dudley, Walsall, Bilston, Oldbury, Tipton, Wednesbury, Darlaston	930	June 30
Bournemouth	1009	July 14
Barrow-in-Furness, Bolton, Oldham, Preston, St. Helens, Stockport, Bebington, Crewe, Crosby, Eccles, Widnes, Ellesmere Port, Litherland, Runcorn, Swinton, Urmston, Blackburn	1066	July 23

Area.	Number.	Date.
Dartford, Rochester, Dorking, Leatherhead ...	1131	July 30
Bradford, Doncaster, Halifax, Huddersfield, Kingston-upon-Hull, Leeds, Rotherham, Shef- field, York	1168	Aug. 6
Sevenoaks	1184	Aug. 9
Blackburn, Swinton and Pendlebury	1222	Aug. 15
Warrington, Rowley Regis, Stafford, Stourbridge, Brierley Hill, Coseley, Redditch, Wednesfield	1257	Aug. 22
Pembroke, Milford Haven, Neyland	1358	Sept. 6
Gloucester, Oxford, Reading, Slough, Swindon ...	1394	Sept. 10
Fareham	1634	Oct. 17
Bristol, Plymouth, Saltash, Keynsham, Kings- wood, Mangotsfield, Portishead, Torpoint, Plympton St. Mary, St. Germans, Sodbury, Thornbury, Warmley	1665	Oct. 23

[118]

THE CIVIL DEFENCE (EMPLOYMENT AND OFFENCES) ORDER, 1941

S. R. & O., 1941, No. 455

April 1, 1941

In pursuance of the powers conferred on me by Regulations 29B and 38 of the Defence (General) Regulations, 1939, I hereby order as follows :—

1. Subject as hereinafter provided, any person who is on or after the date of this Order in the service of a local authority and employed in any of the following capacities, that is to say,—

- (i) in the capacity of air-raid warden, or
- (ii) in the capacity of a member of a rescue party service, first-aid party service or stretcher party service,

is required to continue in his employment until his services are dispensed with in accordance with the provisions of Article 2 of this Order. [119]

2. The services of any person in the service of a local authority and employed as aforesaid may be dispensed with—

- (i) in a case where the person has given notice of his desire that his services should be dispensed with, by the Minister of Home Security or the person appointed by the local authority to be in charge of air-raid wardens or of the service to which he belongs, as the case may be ; or
- (ii) in any other case, under and in accordance with the provisions of any statute, statutory rule or contract of service relating to the employment or with any rule of law by the authority or person having power to terminate the employment :

Provided that in the case of an air-raid warden in the service of a local authority whose area is comprised in the London Civil Defence Region, being the area defined in the Schedule to this Order, the power conferred by para-

graph (i) of this Article on the person appointed by the local authority to be in charge of air-raid wardens shall be exercisable—

- (a) if the air-raid warden is in the service of the council of a county borough or metropolitan borough, by the person appointed by the council to be air-raid precautions controller ;
- (b) if he is in the service of the council of a county district by the person appointed by the council to be air-raid precautions sub-controller ;
or
- (c) if he is in the service of the Common Council of the City of London, by the Commissioner of City of London police. [120]

3. Subject as hereinafter provided, paragraph (1A) of Regulation 29B of the said Regulations (which paragraph relates to disobedience to lawful orders and absence from duty) shall apply to any person in the service of a local authority and employed as aforesaid and to any person in the service of a local authority and employed in any capacity in which persons are employed at control or report centres. [121]

4. This Order shall not apply to a person who is employed as aforesaid without remuneration or to a person who is not continuously employed as aforesaid whole-time. [122]

5.—(1) This Order may be cited as the Civil Defence (Employment and Offences) Order, 1941.

(2) The Civil Defence (Employment) Order, 1940, the Civil Defence (Employment) (No. 3) Order, 1940, and the Civil Defence (Employment) Order, 1941, are hereby revoked. [123]

* * * * *

SCHEDULE

The administrative counties of London and Middlesex ;

so much of Essex as consists of the boroughs of Barking, Chingford, Dagenham, East Ham, Ilford, Leyton, Walthamstow, Wanstead and Woodford, and West Ham ; and the urban districts of Chigwell, and Waltham Holy Cross ;

so much of Hertfordshire as consists of the urban districts of Barnet, Bushey, Cheshunt, and East Barnet ; and the rural district of Barnet ;

so much of Kent as consists of the boroughs of Beckenham, Bexley, Bromley, and Erith ; and the urban districts of Chislehurst and Sidecup, Crayford, Orpington, and Penge ; and

so much of Surrey as consists of the boroughs of Barnes, Beddington and Wallington, Croydon, Epsom and Ewell, Kingston-on-Thames, Malden and Coombe, Mitcham, Richmond, Surbiton, Sutton and Cheam, and Wimbledon ; and the urban districts of Banstead, Carshalton, Coulsdon and Purley, Esher, and Merton and Morden. [124]

THE CIVIL DEFENCE (EMPLOYMENT AND OFFENCES) (NO. 2) ORDER, 1941

S. R. & O., 1941, No. 471

April 1, 1941

108114.

The Minister of Health, in pursuance of the powers conferred on him by Regulation 29B of the Defence (General) Regulations, 1939, hereby orders as follows :—

1. Subject as hereinafter provided, any person who is on or after the date of this Order in the service of a local authority and employed in any capacity

as a member of either the first-aid post services or the ambulance services is required to continue in such employment until his services are dispensed with in accordance with the provisions of Article 2 of this Order. [125]

2. The services of any person in the service of a local authority and employed as aforesaid may be dispensed with—

- (i) in a case where the person has given notice of his desire that his services should be dispensed with, by the Minister of Health or the person appointed by the local authority to be in charge of the service to which he belongs ; or
- (ii) in any other case, under and in accordance with the provisions of any statute, statutory rule or contract of service relating to the employment or with any rule of law, by the authority or person having power to terminate the employment. [126]

3. Subject as hereinafter provided, paragraph (1A) of Regulation 20B of the said Regulations (which paragraph relates to disobedience to lawful orders and absence from duty) shall apply to any person in the service of a local authority and employed as aforesaid. [127]

4. This Order shall not apply to a person who is employed without remuneration or to a person who is not continuously employed whole-time. [128]

5.—(1) This Order may be cited as the Civil Defence (Employment and Offences) (No. 2) Order, 1941.

(2) The Civil Defence (Employment) (No. 2) Order, 1940, and the Civil Defence (Employment) (No. 2) Order, 1941, are hereby revoked. [129]

* * * * *

THE CIVIL DEFENCE (EMPLOYMENT AND OFFENCES) (NO. 4) ORDER, 1941

S. R. & O., 1941, No. 1414

September 9, 1941

In pursuance of the powers conferred on me by Regulations 29B and 38 of the Defence (General) Regulations, 1939, I hereby order as follows :

1. Subject as hereinafter provided, any person who is on or after the date of this Order in the service of a local authority and employed in any capacity in which persons are employed at control or report centres is required to continue in his employment until his services are dispensed with in accordance with the provisions of Article 2 of this Order. [130]

2. The services of any person in the service of a local authority and employed as aforesaid may be dispensed with—

- (i) in a case where the person has given notice of his desire that his services should be dispensed with, by the Minister of Home Security or the person appointed by the local authority to be in charge of the report centres or, as the case may be, the control centres provided by the authority ; or
- (ii) in any other case, under and in accordance with the provisions of any statute, statutory rule or contract of service relating to the employment or with any rule of law by the authority or person having power to terminate the employment. [131]

3. This Order shall not apply to a person who is employed as aforesaid without remuneration or to a person who is not continuously employed as aforesaid whole-time. [132]

4. This Order may be cited as the Civil Defence (Employment and Offences) (No. 4) Order, 1941. [133]

* * * * *

THE CIVIL DEFENCE (EMPLOYMENT AND OFFENCES) (NO. 5) ORDER, 1941

S. R. & O., 1941, No. 1477

September 23, 1941

In pursuance of the powers conferred on me by Regulations 29B and 38 of the Defence (General) Regulations, 1939, I hereby order as follows :

1.—(1) Where the services of any person in the service of a local authority are on or after the date of this Order dispensed with in accordance with the provisions of the Civil Defence (Employment and Offences) Order, 1941, or of the Civil Defence (Employment and Offences) (No. 4) Order, 1941, that person shall, on being served with a notice of recall issued under this Order, be required to return to the service of the local authority for employment in any capacity to which Regulation 29B of the Defence (General) Regulations, 1939, applies until his services are dispensed with in accordance with the said provisions.

(2) Any such notice of recall as aforesaid shall be issued by the person, other than the Minister of Home Security, who had under the said provisions power to dispense with the services of the person to whom the notice relates had that person given notice of his desire that his services should be dispensed with.

(3) Any such notice of recall as aforesaid shall be in writing and shall specify the person to whom and the time and place at which the person recalled shall report for duty.

(4) Any person liable to be served with a notice of recall as aforesaid shall notify forthwith his address on leaving the service of the local authority and any change of address to the person having power to recall him, unless he is granted by that person exemption in writing.

(5) Any such notice of recall as aforesaid may, without prejudice to any other manner of service, be served by being delivered or sent by post to the person recalled at the last address notified by him under the last foregoing paragraph. [134]

2. This Order may be cited as the Civil Defence (Employment and Offences) (No. 5) Order, 1941. [135]

* * * * *

THE CIVIL DEFENCE (EMPLOYMENT AND OFFENCES)
(NO. 6) ORDER, 1941

S. R. & O., 1941, No. 1914

November 14, 1941

103278.

The Minister of Health, in pursuance of the powers conferred on him by Regulation 29B of the Defence (General) Regulations, 1939, hereby orders as follows :—

1.—(1) Where the services of any person in the service of a local authority or of the Port of London Authority are on or after the date of this Order dispensed with in accordance with the provisions of the Civil Defence (Employment and Offences) (No. 2) Order, 1941, or of the Civil Defence (Employment and Offences) (No. 3) Order, 1941, that person shall, on being served with a notice of recall under this Order, be required to return to the service of the local authority or of the Port of London Authority, as the case may be, for employment, in the case of a person in the service of a local authority, in any capacity to which Regulation 29B of the Defence (General) Regulations, 1939, applies, or, in the case of a person in the service of the Port of London Authority, in any capacity specified in the schedule to the Civil Defence (Employment and Offences) (No. 3) Order, 1941, until his services are dispensed with in accordance with the said provisions.

(2) Any such notice of recall as aforesaid shall be issued by the person, other than the Minister of Health, who had under the said provisions power to dispense with the services of the person to whom the notice relates had that person given notice of his desire that his services should be dispensed with.

(3) Any such notice of recall as aforesaid shall be in writing and shall specify the person to whom and the time and place at which the person recalled shall report for duty.

(4) Any person liable to be served with a notice of recall as aforesaid shall notify forthwith his address on leaving the service of the local authority or of the Port of London Authority and any change of address to the person having power to recall him, unless he is granted by that person exemption in writing.

(5) Any such notice of recall as aforesaid may, without prejudice to any other manner of service, be served by being delivered or sent by post to the person recalled at the last address notified by him under the last foregoing paragraph. [136]

2. This Order may be cited as the Civil Defence (Employment) and Offences) (No. 6) Order, 1941. [137]

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THE NATIONAL SERVICE (CIVIL DEFENCE) (DISCHARGE AND TRANSFER) REGULATIONS, 1941

S. R. & O., 1941, No. 776

May 29, 1941

In pursuance of the powers conferred upon me by subsection (1) of section 3 of the National Service Act, 1941, I hereby make the following Regulations:—

1. For the purposes of paragraphs (a), (b) and (c) of subsection (1) of section 3 of the National Service Act, 1941, the prescribed authority shall, in relation to a person in the service of the Crown serving with a civil defence force mentioned in the first column of the First Schedule to these Regulations, be the authority mentioned opposite to that civil defence force in the second column of the said Schedule. [138]

2.—(1) For the purposes of the said paragraphs, the prescribed manner shall be by serving on behalf of the prescribed authority a discharge notice or, as the case may be, a transfer notice in the appropriate form set out in the Second Schedule to these Regulations upon the person to whom the notice relates.

(2) Any such notice as aforesaid may, in addition to any other mode of service, be served on the person to whom it relates by delivering it or by sending it by post addressed to him at his last known address. [139]

3. These Regulations may be cited as the National Service (Civil Defence) (Discharge and Transfer) Regulations, 1941. [140]

* * * * *

FIRST SCHEDULE

Civil Defence Force.	Authority.
Auxiliary Fire Service	A Secretary of State
Police War Reserve	A Secretary of State

[141]

SECOND SCHEDULE

FORM OF DISCHARGE NOTICE UNDER PARAGRAPH (a) OF SECTION 3 (1) OF THE NATIONAL SERVICE ACT, 1941

NATIONAL SERVICE ACT, 1941

Discharge Notice

To

NOTICE IS HEREBY GIVEN to you under paragraph (a) of subsection (1) of section 3 of the National Service Act, 1941, by the *.....that you are discharged from the service of the Crown.

This notice takes effect on the

On behalf of the *.....

†.....

, 194 .

NOTE.—Upon your discharge you are liable to be called up for further service, whether in the armed forces of the Crown or for civil defence, in accordance with the provisions of the National Service Acts, 1939 to 1941. [142]

* Insert name of the prescribed authority.

† Insert address of the prescribed authority.

FORM OF TRANSFER NOTICE UNDER PARAGRAPHS (b) AND (c) OF SECTION 3 (1)
OF THE NATIONAL SERVICE ACT, 1941

NATIONAL SERVICE ACT, 1941

Transfer Notice

To

.....

NOTICE IS HEREBY GIVEN to you under paragraphs (b) and (c) of subsection (1) of section 3 of the National Service Act, 1941; by the * that you are required to serve with the, being a civil defence force, under the direction of the

This notice takes effect on the

.....

On behalf of the *.....

†.....

.....

, 194 .

[143]

* Insert name of the prescribed authority.

† Insert address of the prescribed authority.

THE NATIONAL SERVICE (CIVIL DEFENCE) (DISCHARGE
AND TRANSFER) (NO. 2) REGULATIONS, 1941

S. R. & O., 1941, No. 1568.

October 6, 1941.

In pursuance of the powers conferred upon me by subsection (1) of section 3 of the National Service Act, 1941, I hereby make the following Regulations :—

1. The First Schedule to the National Service (Civil Defence) (Discharge and Transfer) Regulations, 1941, shall be amended by the insertion in the first column thereof of the civil defence force mentioned in the first column of the Schedule hereto, and by the insertion opposite that force in the second column thereof of the authority mentioned in the second column of the Schedule hereto. [144]

2. These Regulations may be cited as the National Service (Civil Defence) (Discharge and Transfer) (No. 2) Regulations, 1941. [145]

* * * * *

SCHEDULE

Civil Defence Force.	Authority.
Civil Defence Reserve	The Minister of Home Security

[146]

THE NATIONAL SERVICE (CIVIL DEFENCE FORCE) (NO. 2) ORDER, 1941

S. R. & O., 1941, *No.* 1567

October 6, 1941

In pursuance of the power conferred on me by subsection (1) of section 12 of the National Service Act, 1941, I hereby order as follows :—

1. The organisation referred to in the Schedule to this Order is hereby declared to be a civil organisation established for forestalling or mitigating attacks by the enemy and a civil defence force for the purposes of the National Service Act, 1941. [147]

2. This Order may be cited as the National Service (Civil Defence Force) (No. 2) Order, 1941. [148]

* * * * *

SCHEDULE

Civil Defence Reserve

[149]

THE MILFORD DOCKS COMPANY (MILFORD DOCKS) (CIVIL DEFENCE ACT, 1939) (SECTION 41 (1)) ORDER, 1941

S. R. & O., 1941, *No.* 1007

July 14, 1941

Whereas the Milford Docks Company (hereinafter referred to as “the Company”) have made application to the Minister of War Transport for an Order under the provisions of subsection (1) of section 41 of the Civil Defence Act, 1939, in respect of parts of the Docks Estate at the Port of Milford Haven.

Now, therefore, the Minister of War Transport in exercise of the powers conferred upon the Minister of Transport by the aforesaid Act and now vested in him by virtue of the Ministers of the Crown (Minister of War Transport) Order, 1941, and of all other powers enabling him in that behalf hereby orders as follows :—

1. The provisions of Part V of the Civil Defence Act, 1939, relating to the provision of air-raid shelter for persons employed by public utility undertakers shall apply in relation to the Company as if all persons likely to be found during air-raids in those parts of the Docks Estate aforesaid specified in the Schedule hereto were persons employed by the Company. [150]

2. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament. [151]

3. This Order may be cited as The Milford Docks Company (Milford Docks) (Civil Defence Act, 1939) (Section 41 (1)) Order, 1941. [152]

SCHEDULE

So much of the Docks Estate aforesaid as is coloured red on the plan signed for the purpose of identification by Stephen Shipley Wilson an Assistant Secretary of the Ministry of War Transport. [153]

* * * * *

MINISTRY OF HEALTH CIRCULAR

*Circular 2282**January 31, 1941*

Sir,—I am directed by the Minister of Health to draw the attention of the Council to a new Defence Regulation which has recently been made, relating to the payment of compensation for premises requisitioned to house persons rendered homeless by enemy action. A copy of the Regulation is enclosed. Its effect is shortly as follows :—

If the Clerk of a local authority, in pursuance of the powers to requisition premises, etc., which have been delegated to him by the Minister, take possession, for the purpose of housing homeless persons, of a dwelling held on a weekly tenancy, and if

- (a) the dwelling has not been actually dwelt in during the preceding twenty-one days and any rent due before the date on which possession is taken remains unpaid, and
- (b) a specified notice is served by the local authority upon the lessee or tenant before possession is taken,

the compensation payable in respect of the taking possession of the premises will be paid not to the lessee, but to the lessor. The lessor must pay over to the tenant any balance remaining after deducting from the compensation any unpaid rent due in respect of the period to which the compensation relates. The notice referred to in (b) which has to be served by the local authority on the lessee must state that the compensation will be payable as aforesaid to the lessor and that he must pay over to the lessee any amount remaining after deduction of the current rent due.

It is known that there are, especially in London, a large number of flats and houses held on weekly tenancies whose occupants have gone away, usually without leaving any address. The requisitioning of such dwellings may be necessary if they are in localities where the need for accommodation for the homeless is acute, and the purpose of the Regulation is to mitigate the difficulties which arise in such a case, without actually determining the tenancy.

I am to suggest that local authorities may consider it desirable, at all events at the outset, to apply the Regulation only to dwellings owned by Local Authorities or by responsible Housing Corporations. I am also to suggest that Housing Authorities or others who receive compensation under the Regulation might well treat it as discharging liability for rent due to them even though the rent due exceeds the compensation—particularly if the excess is not appreciable.

In some cases tenants whose dwellings have been requisitioned and occupied by homeless persons may wish to return to the neighbourhood and the Minister hopes that Housing Authorities and others will, in such cases, re-instate them either by removing the homeless to other premises, or by offering the tenants alternative similar accommodation.

As regards the procedure to be followed in cases in which the Local Authority consider that the Regulation should be applied, you should, before taking any steps to requisition the dwelling, satisfy yourself that all the conditions specified in paragraphs (1) and (3) of that Regulation are fulfilled. The procedure to be followed in the service of the notice under paragraph (3) is laid down in Regulation 97 of Defence (General) Regulations, 1939, which provides that it may be served by sending it by post addressed to the person upon whom it is to be served at his last or usual place of abode or place of

business. When the form of claim for compensation is rendered to the lessor, he should be advised in writing that the premises have been treated as falling within the Regulation, and a copy of the form of notice served on the tenant should at the same time be sent to him for his information in order that he may know his powers and duties regarding the disposal of the compensation when paid. When in due course the Council are informed of the amount of compensation payable they should make the payment to the lessor. [154]

ALLOTMENTS

ORDERS, CIRCULARS AND MEMORANDA :—					PAGE
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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL . . . AMENDING REGULATION . . . 62A OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 456

April 4, 1941

* * * *

3. After paragraph (1) of Regulation sixty-two A of the principal Regulations there shall be inserted the following paragraph :—

“(1A) The power conferred upon a local authority by the foregoing paragraph of this Regulation to cultivate land for the purpose specified in sub-paragraph (c) thereof shall extend to any land which the authority is authorised by the person entitled to the possession thereof to use for the said purpose, including land of which possession has been taken under these Regulations; and any such authorisation may be given notwithstanding anything in any Act (including a private or local Act) or any trust or covenant or restriction affecting the land.” [155]

* * * *

THE CULTIVATION OF LANDS (ALLOTMENTS) ORDER, 1941

S. R. & O., 1941, No. 1431

September 12, 1941

The Minister of Agriculture and Fisheries in pursuance of Regulations 51 and 98 of the Defence (General) Regulations, 1939, and all other powers enabling him in this behalf hereby makes the following Order :—

1. The Cultivation of Lands (Allotments) Order, 1939, shall have effect as if at the end of the fourth line of Article 1 thereof there were inserted the words “ and rural district.” [156]

2. This Order shall be construed as one with the Cultivation of Lands (Allotments) Order, 1939. [157]

3. This Order may be cited as the Cultivation of Lands (Allotments) Order, 1941. [158]

* * * *

ANIMALS

	PAGE		PAGE
ORDERS, CIRCULARS AND MEMORANDA :—		Regulation of Movement of Swine (Amendment) Order, 1941 —	53
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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL . . . AMENDING REGULATION . . .
63 . . . OF THE DEFENCE (GENERAL) REGULATIONS, 1939*S. R. & O., 1941, No. 50**January 15, 1941*

* * * * *

3.—(1) After paragraph (5A) of Regulation sixty-three of the principal Regulations, there shall be inserted the following paragraph :—

“(5B) Nothing in subsection (1) of section five of the Prevention of Damage by Rabbits Act, 1939 (which restricts the use of spring traps for the purpose of killing hares or rabbits), shall apply to anything done during the continuance in force of this paragraph under an authority given by the Minister of Agriculture and Fisheries and in accordance with such conditions as may be imposed by him.”

(2) In paragraph (b) of that Regulation after the words “Secretary of State,” where those words first occur, there shall be inserted the words “and as if for the reference to subsection (1) of section five of the Prevention of Damage by Rabbits Act, 1939, there were substituted a reference to the provision of section six of the Ground Games Act, 1880, which restricts the use of spring traps.” [159]

* * * * *

ORDER IN COUNCIL . . . AMENDING REGULATION 25B
. . . OF THE DEFENCE (GENERAL) REGULATIONS, 1939*S. R. & O., 1941, No. 456**April 4, 1941*

2.—(1) After paragraph (3) of Regulation twenty-five B of the principal Regulations there shall be inserted the following paragraph :—

“(3A) Section three of the Dogs Act, 1906, shall, in relation to any dog seized, or treated as seized, by a police officer under that section after the fourth day of April, nineteen hundred and forty-one, have effect as if for any reference therein to seven clear days there were substituted a reference to three clear days.”

(2) In paragraph (5) of the said Regulation, after the word "Regulation" there shall be inserted the words "except in so far as it amends section three of the Dogs Act, 1906," [160]

* * * *

ORDER IN COUNCIL ADDING REGULATION 62AA . . . TO . . . THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 743

May 30, 1941

* * * *

4. After Regulation sixty-two A of the principal Regulations there shall be inserted the following regulation :—

"62AA.—(1) If any dog is found straying on any allotment to which this Regulation applies, the owner of the dog and, if the dog is in charge of any person other than the owner, that person, shall be guilty of an offence against this Regulation, and liable on summary conviction to a fine not exceeding five pounds :

Provided that it shall be a defence for a person charged with an offence against this Regulation to prove that he had taken all reasonable steps to ensure that the dog would not stray on the allotment.

(2) This Regulation shall apply to any allotment on or near which notices are posted, in such a manner as to be easily seen and read by members of the public, warning the owners and persons in charge of dogs of the application of this Regulation to the allotment and of the effect of the Regulation.

(3) In this Regulation the expression "allotment" includes—

(a) in England, an allotment garden within the meaning of the Allotments Act, 1922 ;

(b) . . .

(c) . . . " [161]

* * * *

THE FOOT-AND-MOUTH DISEASE (DISINFECTION OF ROAD VEHICLES) ORDER, 1941

S. R. & O., 1941, No. 312

February 22, 1941

6071.

The Minister of Agriculture and Fisheries, by virtue and in exercise of the powers vested in him under the Diseases of Animals Acts, 1894 to 1937, and of every other power enabling him in this behalf, hereby orders as follows :—

Precautions to be adopted in connection with the carriage of swill.

1.—(1) Any road vehicle which has been used for the carriage of swill or for the carriage of any vessel, bag, sack or other container which has been used for the carriage of swill shall, as soon as practicable, after each occasion of such use and before being again used for the carriage of feeding stuffs for animals, litter or anything intended to be used for or about animals, be

thoroughly disinfected by and at the expense of the owner thereof or the person using or the person in charge of the same in the following manner :

The floor, roof and sides of the inside of the vehicle shall be effectually disinfected by being thoroughly washed with a four per cent. solution of sodium carbonate (washing soda).

(2) Feeding stuffs for animals (other than swill) or litter or anything intended to be used for or about animals shall not be conveyed in any road vehicle at the same time as such road vehicle is being used for the carriage [of swill or for the carriage] of any vessel, bag, sack or other container which has been used for the carriage of swill. [162]

Local Authority to Enforce Order

2. The provisions of this Order shall be executed and enforced by the Local Authority. [163]

Offences

3. Any person committing, or aiding, abetting, counselling or procuring the commission of any breach of the provisions or requirements of this Order shall respectively be liable, on summary conviction, to the penalties provided by the Diseases of Animals Acts, 1894 to 1937. [164]

Interpretation

4. In this Order :—

“ Swill ” means any broken or waste foodstuffs including table or kitchen refuse, scraps or waste, containing any meat, bones, offal or portions thereof, or any other part of the carcase of an animal ; “ bones ” includes ground green or raw bones. [165]

Commencement and Short Title

5. This Order shall come into operation on the fifteenth day of March, nineteen hundred and forty-one and may be cited as the Foot-and-Mouth Disease (Disinfection of Road Vehicles) Order of 1941. [166]

* * * * *

THE FOOT-AND-MOUTH DISEASE (CONTROLLED AND INFECTED AREAS) (MODIFICATION OF RESTRICTIONS) ORDER, 1941

S. R. & O., 1941, No. 445

March 12, 1941

6090.

The Minister of Agriculture and Fisheries, by virtue and in exercise of the powers vested in him under the Diseases of Animals Act, 1894 to 1937, and of every other power enabling him in this behalf, hereby orders as follows :—

Licensing of Movements to Slaughterhouses and Bacon Factories in Controlled and Infected Areas

1. Notwithstanding the provisions of Article 6 of the Foot-and-Mouth Disease (Controlled Areas Restrictions) General Order of 1938, and Article 6 of the Foot-and-Mouth Disease (Infected Areas Restrictions) Order of 1938, a licence authorising the movement granted by an Inspector of the Local Authority for the district in which a collecting centre is situate shall be

a sufficient authorisation for the movement of animals from a collecting centre authorised by the Minister of Food for the reception of animals intended for immediate slaughter direct to a slaughterhouse or bacon factory situate in a controlled area or infected area for the purpose of preventing the spreading of foot-and-mouth disease. [167]

Issue of Licences by Inspectors

2. An Inspector of the Local Authority of the place from which the animals are to be moved may issue a licence authorising the movement of animals from any such collecting centre direct to a slaughterhouse or bacon factory in a controlled area or infected area.

Provided that the application for such licence is made by an official of the Ministry of Food, and

Provided also that no licence shall be issued authorising the movement of animals out of any infected area except in such instances as may be sanctioned by Order of the Minister and then only subject to such conditions as may be prescribed in such Order. [168]

Form of Licences

3. Every licence issued in accordance with the provisions of this Order shall be in the form of the movement licence set forth in the Schedule to the Foot-and-Mouth Disease (Controlled Areas Restrictions) General Order of 1938 or in the First Schedule to the Foot-and-Mouth Disease (Infected Areas Restrictions) Order of 1938 and shall be made available for three days including the date of issue and no longer. Such licence shall not require counter-signature by any other Inspector. The reference on the prescribed form of licence to such counter-signature by an Inspector of the Local Authority of the district from which the animals are to be moved must be deleted by the Inspector issuing the licence who should authenticate the deletion by signing his name across the paragraph deleted. Condition 6 of the licence prescribed by the Foot-and-Mouth Disease (Controlled Areas Restrictions) General Order of 1938 or Condition 7 of the licence prescribed by the Foot-and-Mouth Disease (Infected Areas Restrictions) Order of 1938, as the case may be, should also be deleted and in its place should be substituted the following paragraph :—

“Before movement to the slaughterhouse or bacon factory, as the case may be, all animals shall be marked as follows :—

“*Cattle*.—A broad arrow 6 inches long, clipped on left hind quarter.

“*Sheep and Pigs*.—The Ministry of Food identification mark.”

[169]

Short Title

4. This Order may be cited as the Foot-and-Mouth Disease (Controlled and Infected Areas) (Modification of Restrictions) Order of 1941 and shall be read with the Foot-and-Mouth Disease (Controlled Areas Restrictions) General Order of 1938 and the Foot-and-Mouth Disease (Infected Areas Restrictions) Order of 1938. [170]

* * * * *

THE REGULATION OF MOVEMENT OF SWINE (AMENDMENT) ORDER, 1941

S. R. & O., 1941, No. 681

April 28, 1941

6113.

The Minister of Agriculture and Fisheries, by virtue and in exercise of the powers vested in him under the Diseases of Animals Act, 1894 to 1937, and of every other power enabling him in this behalf, hereby orders as follows :—

Contraction of Scheduled Area

1. The Regulation of Movement of Swine Order of 1922 shall be read and have effect as if the whole of the parish of Chirbury in the petty sessional division of Pontesbury in the county of Salop were excluded from the Scheduled Area to which that Order applies and which is described in the Regulation of Movement of Swine (Amendment) Order of 1936 (No. 3). [171]

Commencement and Short Title

2. This Order shall come into operation on the tenth day of May, nineteen hundred and forty-one and may be cited as the Regulation of Movement of Swine (Amendment) Order of 1941. [172]

* * * *

REGULATION AMENDING THE LIVESTOCK (IMPORT FROM EIRE AND THE ISLE OF MAN) REGULATIONS, 1940

S. R. & O., 1941, No. 1430

September 12, 1941

In exercise of the powers conferred upon him by section 28, sub-section (3) of the Agriculture (Miscellaneous War Provisions) Act, 1940, and of all other powers enabling him in that behalf, the Minister of Food hereby makes the following Regulation :—

1. The Livestock (Import from Eire and the Isle of Man) Regulations, 1940 (hereinafter called "the Principal Regulations"), shall be amended as follows :—

(1) There shall be substituted in paragraph (2) of Regulation 5 of the Principal Regulations for the words "in a public place at the port of landing or the point of entry nearest to the place where the livestock was seized" the words "(a) in the case of seizure in Great Britain, in a public place at the port of landing or other place of seizure; or (b) in the case of seizure in Northern Ireland, at the police barracks nearest to the place of seizure, so as to be visible to the public,"

(2) There shall be substituted in paragraph (3) of the said Regulation for the words "or point of entry" the words "or police barracks."

[173]

2.—(1) This Regulation shall come into force on the 22nd day of September, 1941.

(2) Copies of the Principal Regulations to be printed under the authority of His Majesty's Stationery Office after the coming into force of this Regulation shall be printed in accordance with the amendments provided by this Regulation and the Principal Regulations shall take effect as hereby amended. [174]

* * * * *

THE DESTRUCTION OF PEREGRINE FALCONS ORDER, 1941

S. R. & O., 1941, No. 376

March 13, 1941

In pursuance of the powers conferred on me by paragraph (4A) of Regulation 9 of the Defence (General) Regulations, 1939, I, Major the Right Honourable Sir Archibald Sinclair, Bt., C.M.G., M.P., Secretary of State for Air, hereby make the following Order :—

1. The Destruction of Peregrine Falcons Order, 1940, shall have effect as if in addition to the areas specified in the Schedule thereto as extended by the Destruction of Peregrine Falcons (No. 2) Order, 1940, there were included in the said Schedule the areas specified in the Schedule to this Order. [175]

2. This Order may be cited as the Destruction of Peregrine Falcons Order, 1941. [176]

SCHEDULE

The County of Cumberland.
The County of Westmorland.

* * * * *

THE DESTRUCTION OF PEREGRINE FALCONS (NO. 2) ORDER, 1941

S. R. & O., 1941, No. 714

May 17, 1941

In pursuance of the powers conferred on me by paragraph (4A) of Regulation 9 of the Defence (General) Regulations, 1939, I, Major the Right Honourable Sir Archibald Sinclair, Bt., C.M.G., M.P., Secretary of State for Air, hereby make the following Order :—

1. The Destruction of Peregrine Falcons Order, 1940, shall have effect (a) as if for the area numbered (4) in the Areas in Scotland specified in the Schedule thereto there were substituted the area specified at (a) in the Schedule to this Order and (b) as if in addition to the areas specified in the Schedule thereto as extended by the Destruction of Peregrine Falcons (No. 2) Order, 1940, and the Destruction of Peregrine Falcons Order, 1941, there were included in the said Schedule the area specified at (b) in the Schedule to this Order. [177]

2. This Order may be cited as the Destruction of Peregrine Falcons (No. 2) Order, 1941. [178]

SCHEDULE

(a) The Counties of Sutherland and Ross and Cromarty and all the islands lying to the west of the mainland of those counties.

(b) Northern Ireland. [179]

* * * * *

WILD BIRDS PROTECTION

The following Orders have been made :—

Area.	Number.	Date.
Southampton	64	Jan. 9
Surrey	65	Jan. 8
Somerset	164	Feb. 1
Isle of Wight	234	Feb. 13
East Riding of Yorkshire	235	Feb. 18
Barrow-in-Furness	357	Mar. 10
Salford	370	Mar. 11
Burnley	396	Mar. 17
Leicester	420	Mar. 21
Southport	611	Apr. 15
Stockport	750	May 27
Chester	784	May 27
East Suffolk	802	May 30
Wilts	1032	July 10
Anglesey	1276	Aug. 18
Essex	1752	Nov. 4
Hertford	1962	Nov. 25

[180]

BLIND PERSONS

STATUTES :—	PAGE	ORDERS, CIRCULARS AND MEMORANDA :—	PAGE
Determination of Needs Act, 1941 —	55	Blind Persons (Treatment of War Savings) Order, 1941 —	59

STATUTES

THE DETERMINATION OF NEEDS ACT, 1941

(4 & 5 Geo. 6, c. 11)

PRELIMINARY NOTE

A statement was made by the Prime Minister in the House of Commons on November 6, 1940, upon the conclusions reached after a review by the Government of the existing household means test for unemployment assistance and supplementary pensions. It was then announced that the test would be modified to one of personal need, and ss. 1 and 2 of the present Act are for the purpose of

giving effect to this change of policy. Under the law as it existed before the passing of the Act, in determining the need or assessing the needs of applicants for unemployment assistance or supplementary pensions it was necessary to take into account not only the means of the applicant, but also the resources of all members of the household of which the applicant was a member. A number of criticisms were levelled against this principle from the moment the means test machinery under the Unemployment Assistance Act, 1934, came into operation. One of the strongest arguments was that an unfair burden was placed upon people who happened to live in the same household as other people unable to maintain themselves, and those other people were forced into a position of dependence. Further, the system required the making of detailed and inquisitorial investigation into the private affairs of persons who themselves were making no claim for assistance. This machinery was set up by regulations made in relation to unemployment assistance allowances under s. 38 (3) of the Unemployment Assistance Act, 1934, and under that section as modified for the purposes of granting supplementary pensions.

S. 1 of the present Act removes the requirement that the regulations should contain provisions for the examination of the resources of all members of the applicant's family.

S. 2 substitutes for the previous provisions requiring the household means test a requirement that regulations shall be made under which the test will become one of personal need, based on the principles that the needs and resources of the applicant will continue to be aggregated with those of his wife and persons actually dependent upon him, but the resources of other members of the household will no longer be taken into account except in cases where the applicant is a householder, when a standard contribution is assumed to be received towards rent and other household expenses. Other provisions have to be contained in the regulations to meet cases where the applicant is not a householder.

The Act also implements an undertaking given by Viscount Simon when he was Chancellor of the Exchequer, on April 23, 1940, that legislation would be introduced to withdraw from the calculation of means for purposes of unemployment assistance and supplementary pensions new money lent to the nation during the war up to a total of £375.

S. 3 of the Act provides that in computing resources in connection with the grant, not only of the allowances and pensions referred to, but also of financial assistance to blind persons, specified war savings shall be disregarded up to an amount, when aggregated with any other money and investments treated as capital assets which are disregarded under the existing law, of £375. The object of the provision is to encourage war savings by people who may at some time require financial assistance subject to a means test by removing the fear that by obeying the call to save they may be placing themselves in a less advantageous position for purposes of future financial assistance than a person who does not respond to the appeal. For this reason, the war savings to be thus disregarded are limited by the definition in the Second Schedule to savings invested since the beginning of the war. An impression was held by some people that investments made with the proceeds of realising other investments would qualify for disregard under the Act. This impression was corrected in the debate on a previous Bill (the War Savings (Determination of Needs) Bill) which did not reach the Statute Book. This debate took place on August 14, 1940, and the present Act excludes investments from the proceeds of realisations of non-qualifying investments after that date, although persons who acted before that date will obtain the benefits of this Act.

* * * * *

An Act to abolish the requirement that in determining the need and assessing the needs of applicants for unemployment assistance or supplementary pensions the resources of all members of their households must be taken into account, to make further provision for the determination of need and the assessment of needs in the case of such applicants and in connection with financial assistance to blind persons, and to provide for the winding-up of the Unemployment Assistance Fund. [181]

[26th March, 1941.]

* * * * *

3. Treatment of war savings.—(1) In computing the resources of any person whose resources are taken into account in determining the need or assessing the needs of an applicant for an allowance under the Unemployment Assistance Act, 1934, or of an applicant for a supplementary pension under the Old Age and Widows' Pensions Act, 1940, or the needs of any person for the purposes of subsection (1) of section two of the Blind Persons Act, 1920, any money and investments treated as capital assets of that person shall up to the following amount, that is to say :

- (i) in relation to any period after such date as His Majesty may by order in Council determine, the amount of his war savings on that date ;
- (ii) in relation to any period before that date, the amount of his war savings at the date on which his resources are computed,

be disregarded in addition to any money or investments treated as capital assets which would be disregarded apart from the provisions of this subsection so, however, that the total amount of the money and investments of any person disregarded by virtue of this subsection shall not exceed three hundred and seventy-five pounds :

Provided that the provisions of this section shall not apply to the war savings of any person in relation to any period after the date so determined unless there is produced to the appropriate authority a certificate in the prescribed form certifying that, within such period after that date as may be prescribed, application has been made in the prescribed manner claiming that the provisions of this section shall continue to apply to those savings or that authority is satisfied that within that period application has been made for such a certificate. [182]

(2) Where any investments are to be disregarded under subsection (1) of this section, the requirement that they shall be disregarded shall be construed as extending to any income receivable therefrom. [183]

(3) References in this section to the amount of the war savings of any person at any date shall be construed as references to an amount ascertained in accordance with the provisions set out in the Second Schedule to this Act. [184]

(4) The Treasury shall make regulations for the purposes of this section and such regulations may in particular authorise or require the Postmaster-General and his officers and any officers of a savings bank to make such disclosure of holdings of Government stock on the Post Office register and National Savings Certificates and of deposits in the bank as may appear necessary for the purposes of this section or of any corresponding enactment of the Parliament of Northern Ireland, notwithstanding that such disclosure is prohibited by or under any Act or by the rules of the bank in question. [185]

(5) If any person, in furnishing any information as to his war savings or the war savings of any other person for the purposes of this section, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and liable on summary conviction thereof to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine. [186]

(6) In this section the expression " the appropriate authority " means in relation to the computation of resources for the purposes of any of the enactments specified in subsection (1) of this section the authority whose function it is under that enactment to determine questions in connection with the computation of such resources, and the expression " prescribed " means prescribed by regulations made under this section. [187]

(7) This section shall come into force on the appointed day. [188]

This section came into force on June 2, 1941, in relation to unemployment assistance allowances, supplementary pensions and financial assistance to blind persons (s. 5 and the order cited in the notes thereto, *post*).

As to s. 2 (1) of the Blind Persons Act, 1920, note that a new subsection was substituted by s. 2 (1) of the Blind Persons Act, 1938, 31 Statutes 812. The subsection requires local authorities to make arrangements for promoting the welfare of blind persons, and provides that the needs of a blind person and of dependent members of his household shall be taken into account in determining the extent of any financial assistance.

Where both imprisonment and fine are imposed on summary conviction a further term of imprisonment in default of payment may be imposed (Criminal Justice Act, 1925, s. 27, 11 Statutes 413).

* * * * *

5. Meaning of "the appointed day".—In this Act the expression "the appointed day" in relation to allowances under the Unemployment Assistance Act, 1934, means the date on which regulations made under that Act for the purpose of complying with the requirements of subsection (1) of section two of this Act take effect, in accordance with the provisions of subsection (4) of section fifty-two of the first mentioned Act; in relation to supplementary pensions, means the date on which the like regulations made under the provisions of that Act applied by the Old Age and Widows' Pensions Act, 1940, take effect in accordance with the provisions of the said subsection (4); and in relation to subsection (1) of section two of the Blind Persons Act, 1920, means such date as may be appointed as respects England and Wales by order of the Minister of Health and as respects Scotland by order of the Secretary of State. [189]

See the Unemployment Assistance (Determination of Need and Assessment of Needs) (Amendment) Regulations, 1941 (S. R. & O., 1941, No. 732), and the Supplementary Pensions (Determination of Need and Assessment of Needs) (Amendment) Regulations, 1941 (S. R. & O., 1941, No. 663), both of which came into force on June 2, 1941, which is accordingly the "appointed day" in relation to allowances under the Unemployment Assistance Act, 1934, and to supplementary pensions.

The Blind Persons (Treatment of War Savings) Order, 1941 (S. R. & O., 1941, No. 650), appoints June 2, 1941, as the "appointed day".

* * * * *

SECOND SCHEDULE

Section 3.

MEANING OF THE EXPRESSION "WAR SAVINGS"

1. There shall first be ascertained, with respect to the person whose war savings are to be computed, as on the date at which they are to be computed, the aggregate of the following amounts, that is to say—

- (a) the amount of Government stock held on the Post Office register issued after the second day of September, nineteen hundred and thirty-nine, to which he is entitled either by reason of having subscribed therefor at the time of the issue thereof, or by inheritance;
- (b) the amount of National Savings Certificates and Ulster Savings Certificates to which he is entitled;
- (c) the amount of money which he has on loan to the Treasury without interest; and
- (d) the amounts to which he is entitled which are standing to the credit of any account in the Post Office savings bank or a trustee savings bank or in any other savings bank specified in that behalf in regulations of the Treasury.

2. If the amount ascertained under the foregoing paragraph represents in whole or in part any such stock, certificates or amounts as aforesaid which were acquired with the proceeds of the realisation after the fourteenth day of August, nineteen hundred and forty, of any investments of that person, not being investments acquired by him by inheritance after the said fourteenth day of August, there shall be deducted from that amount the sum applied out of the said proceeds of realisation in acquiring the said stock, certificates or amounts:

Provided that in so far as the investments realised consisted of such stock, certificates or amounts as are mentioned in the last foregoing paragraph a deduction shall only be made under this paragraph in so far as a deduction would have been required to be made thereunder if the person in question had not realised the said stock, certificates or amounts but had continued to retain them.

3. There shall then be ascertained the aggregate amount of the National Savings Certificates, Ulster Savings Certificates and amounts standing to the credit of an account in any such savings bank as aforesaid to which the person in question was entitled immediately before the third day of September, nineteen hundred and thirty-nine, and the amount of the war savings of the person whose war savings are to be computed as on the date at which they are to be computed shall be taken to be the aggregate amount ascertained under paragraph 1 of this Schedule (as reduced in accordance with the provisions of paragraph 2 thereof) less the aggregate amount ascertained under the foregoing provisions of this paragraph.

4. For the purposes of this Schedule a person shall be deemed to be entitled to any stock, certificates or amounts if and only if he is absolutely entitled in possession to the whole beneficial interest therein ; and—

- (a) the expression “ investment ” includes any deposit or loan, being a deposit or loan bearing interest ;
- (b) the expression “ Government stock ” has the same meaning as in the Savings Bank Act, 1893 ;
- (c) the expression “ trustee savings bank ” means a bank in the United Kingdom or the Channel Islands certified under the Trustee Savings Bank Act, 1863 ;
- (d) the expression “ by inheritance ” means as a beneficiary under a will, intestacy or the nomination of a deceased person ;
- (e) references to amounts standing to the credit of an account in a trustee savings bank include any sums received in respect of special investments ; and
- (f) references to the amount at any date of any Government stock or National or Ulster Savings Certificates shall be treated as references, in the case of any such stock, to the amount originally subscribed therefor, and, in the case of any such certificates, to the amount for which those certificates could be encashed on that date. [190]

See the Determination of Needs (Birmingham Municipal Bank) Regulations, 1941 (S. R. & O., 1941, No. 766), made under paragraph 1 (d).

* * * * *

ORDERS, CIRCULARS AND MEMORANDA

THE BLIND PERSONS (TREATMENT OF WAR SAVINGS) ORDER, 1941

S. R. & O., 1941, No. 650

May 2, 1941

103,156.

The Minister of Health, in exercise of his powers under the Determination of Needs Act, 1941, and of all other powers enabling him in that behalf, hereby makes the following order :—

1. The appointed day for the purposes of the Determination of Needs, Act, 1941, in relation to subsection (1) of section two of the Blind Persons Act, 1920, shall as respects England and Wales be the second day of June, 1941. [191]

2. This order may be cited as the Blind Persons (Treatment of War Savings) Order, 1941. [192]

* * * * *

BOROUGH POLICE

See POLICE

BUILDING

	PAGE		PAGE
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Repair of War Damage Act, 1941.		Regulation 56A	
(See p. 269, <i>post</i> .)		Sched. VI	61
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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL AMENDING REGULATION . . . 56A OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 437

March 26, 1941

* * * * *

4. The following amendments shall be made in Regulation fifty-six A of the principal Regulations :—

- (a) For the words “ the Commissioners of Works ”, wherever those words occur, there shall be substituted the words “ the Minister of Works and Buildings ”, and any licences granted by the Commissioners of Works before the date of this Order shall continue to have effect as if they had been granted by the Minister of Works and Buildings.
- (b) In paragraph (3) after the word “ revoked ” there shall be inserted the words “ the person to whom the licence was granted and, if he is a different person ”; and after the word “ shall ” there shall be inserted the word “ each ”.
- (c) At the end of paragraph (4) there shall be inserted the following proviso :—

“ Provided that in relation to any operation commenced on or after the fourteenth day of April, nineteen hundred and forty-one :—

- (a) the foregoing provisions of this paragraph shall have effect as if for the reference to five hundred pounds there were substituted a reference to one hundred pounds ;
- (b) in a case where the operation relates to a building and any other building or constructional operation relating to the same building has to the knowledge of the person charged been commenced after the said date and within twelve months before the commencement of the operation in respect of the execution of which the charge is made, the foregoing provisions of this paragraph shall have effect as if the reference to the cost of the operation were construed as a reference to the cost of the operation

together with the cost of any other such operation commenced as aforesaid ;

- (c) in a case where the operation relates to a building, the cost of the operation shall be deemed for the purposes of this paragraph to include the cost of any work of decoration carried out or proposed to be carried out in connection with or in consequence of the operation."

- (d) After paragraph (6) there shall be inserted the following paragraphs :—

"(6A) With a view to ascertaining whether any condition attached to any authorisation or licence granted for the purposes of this Regulation is being complied with, any person authorised in that behalf by the authority granting the authorisation or licence, may at any time enter and inspect the land or premises on which the operation in respect of which the licence or authorisation was granted is being executed.

(6B) The person having control of any building or constructional operation in respect of which an authorisation or licence has been granted under this Regulation and any person engaged in the execution of any such operation shall, if requested by or on behalf of the authority who granted the authorisation or licence so to do, produce or furnish to such authority or person as may be specified in the request such books or other documents, or, as the case may be, such estimates, returns, accounts or other information, being documents or information in his possession relating to the operation, as may be so specified."

- (e) In paragraph (7) the word "structural" shall be omitted, and after the word "building", where it secondly occurs, there shall be inserted the words "of works required for the purpose of providing water, light, heating or other services for a building." [193]

* * * * *

ORDER IN COUNCIL SUBSTITUTING A NEW REGULATION FOR REGULATION 56A OF THE DEFENCE (GENERAL) REGULATIONS, 1939, AND ADDING A SIXTH SCHEDULE TO THOSE REGULATIONS

S. R. & O., 1941, No. 1596

October 10, 1941

At the Court at Buckingham Palace, the 10th day of October, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. For Regulation fifty-six A of the Defence (General) Regulations, 1939, there shall be substituted the following Regulation :—

"56A.—(1) Subject to the provisions of this Regulation the execution in the United Kingdom, for any purpose specified in the first column of the

Table set out in Part I of the Sixth Schedule to these Regulations, of any operation specified in Part II of that Schedule begun after the sixth day of October nineteen hundred and forty, shall be unlawful except in so far as it is authorised by the authority specified in the second column of the said Table :

Provided that no authorisation shall be required if the total cost of the complete operation does not exceed—

- (a) where the operation was begun before the fourteenth day of April, nineteen hundred and forty-one, five hundred pounds ;
- (b) where the operation was begun on or after the said fourteenth day of April but before the first day of January, nineteen hundred and forty-two, one hundred pounds ;
- (c) where the operation was begun at any time on or after the said first day of January, such sum as may be prescribed in relation to an operation begun at that time by order of the Minister of Works and Buildings (hereinafter in this Regulation referred to as “ the Minister ”).

(2) Subject to the provisions of this Regulation, the execution in the United Kingdom of any operation begun at any time on or after the first day of January, nineteen hundred and forty-two which involves the doing of any description of any work specified in Part III of the Sixth Schedule to these Regulations, not being an operation executed for a purpose specified in the first column of the Table set out in Part I of that Schedule, shall be unlawful except in so far as there is in force in respect thereof a licence granted by the Minister :

Provided that no licence shall be required by virtue of this paragraph if the total cost of the work of that description involved in the operation does not exceed such sum as may be prescribed by order of the Minister in relation to work of that description involved in an operation begun at that time.

(3) In addition to the restriction imposed by the last preceding paragraph, the carrying out on any single property in the United Kingdom at any time, except for a purpose specified in the first column of the Table set out in Part I of the Sixth Schedule to these Regulations, of any work specified in Part III of that Schedule or of any maintenance work on a building or on any such works as are mentioned in Part II of that Schedule shall, notwithstanding that the work does not form part of an operation for which a licence is required under the last preceding paragraph, be unlawful, subject to the provisions of this Regulation, except in so far as there is in force in respect thereof a licence granted by the Minister :

Provided that no licence shall be required by virtue of this paragraph if the cost of the work, together with the cost of any other such work as aforesaid carried out (whether before or after the first day of January, nineteen hundred and forty-two) on that property within twelve months before that time does not exceed such sum as may be prescribed by order of the Minister in relation to work carried out at that time.

In this paragraph the expression “ property ” means, in relation to work carried out at any time, any property—

- (a) the full value of which was ascertained for the purposes of an assessment under Schedule A in force at that time ; or
- (b) which, not being or forming part of a property to which sub-paragraph (a) of this paragraph applies, was at that time the subject of a valuation shown in a valuation list for the time being in force under the Rating and Valuation Acts, 1925 to 1940, or the Rating and Valuation (Metropolis) Acts, 1869 to 1940, as the case may be.

(4) In computing, for the purposes of the foregoing provisions of this Regulation, the cost of an operation or of any work, regard shall be had to the value of any goods or services used for the purposes thereof notwithstanding that the provision thereof did not involve the expenditure of money solely or primarily for the purpose of that particular operation or work.

(5) Nothing in the first three paragraphs of this Regulation shall apply to any operation or work—

- (a) which is undertaken or carried out on behalf of His Majesty or in pursuance of a contract with His Majesty for the execution thereof ;
- (b) the cost of which, or any part of the cost of which, a Government Department has agreed to defray ; or
- (c) which is undertaken or carried out by a local authority for the purpose of the discharge of functions under the Civil Defence Acts, 1937 and 1939.

(6) If any operation is executed or work is carried out in contravention of any of the first three paragraphs of this Regulation the person at whose expense the operation is executed or the work is carried out, and (where he is not the same person) the person undertaking the execution of the operation or the carrying out of the work, and (in either case) any architect, engineer or other person employed in an advisory or supervisory capacity in connection with the execution of the operation or the carrying out of the work shall each be guilty of an offence against this Regulation :

Provided that—

- (a) where it would be a defence for a person charged with an offence against this Regulation to prove that the cost of an operation or of any relevant work did not exceed a particular amount, it shall also be a defence for him to prove that at the time when the operation in respect of which he is charged was begun or the work in respect of which he is charged was carried out he had reasonable grounds for believing that the said cost would not exceed that amount ;
- (b) it shall be a defence for a person charged with a contravention of paragraph (1) of this Regulation in respect of the execution of an operation consisting of reconstruction to prove that the acts done without authorisation were urgently necessary for the purpose for which the operation was undertaken, and were done in circumstances of emergency which rendered it impracticable to obtain authorisation thereof.

(7) An authorisation or licence granted for the purposes of this Regulation may be granted subject to conditions or limitations, and in particular may be limited so as to authorise the execution of an operation in part only or the carrying out of some, but not all, of the work for a licence for which application is made.

(8) If any condition attached to an authorisation or licence granted for the purposes of this Regulation is contravened or not complied with then, whether or not the authorisation or licence is revoked, the person undertaking the execution of the operation, or the carrying out of the work, in respect of which the authorisation or licence was granted and any architect, engineer or other person employed in an advisory or supervisory capacity in connection with the execution of the operation or the carrying out of the work shall each be guilty of an offence against this Regulation.

(9) The Minister may by order regulate, to such extent as may be specified in the order, the sizes and types of materials to be used, and the means to be employed, in the execution of operations specified in the Sixth Schedule to

these Regulations and the carrying out of work so specified in any class of case to which the order applies.

(10) The Minister may by order made as respects any class of buildings prohibit the redecoration of buildings of that class at more frequent intervals than may be allowed by the order.

(11) Where any operation or work specified in the Sixth Schedule to these Regulations is being executed or carried out on any land, any person authorised by the appropriate authority may at any time enter and inspect the land for the purpose of ascertaining whether the provisions of this Regulation, and of any authorisation or licence granted thereunder, are being complied with.

(12) A person at whose expense any such operation or work as aforesaid is being executed or carried out, and any person engaged in the execution of such an operation or the carrying out of such work, shall, if requested by or on behalf of the appropriate authority, produce or furnish to such authority or person as may be specified in the request such books or other documents, or such estimates, returns, accounts or other information, being documents or information in his possession relating to the operation or work, as may be so specified.

(13) In this Regulation the expression 'appropriate authority' means—

(a) in relation to any operation executed for a purpose specified in the first column of the Table set out in Part I of the Sixth Schedule to these Regulations, the Minister or the authority specified in the second column of that Table in relation to that purpose; and

(b) in relation to any other operation or work, the Minister; and

the expression 'local authority' means the Common Council of the City of London, the council of a metropolitan borough, or the council of a county, county borough or county district, or a joint board or joint committee constituted under any enactment to discharge the functions of two or more such councils.

(14) In the application of this Regulation to Scotland—

(a) for any reference to the Table set out in Part I of the Sixth Schedule to these Regulations there shall be substituted a reference to the Table set out in Part IV of that Schedule;

(b) for any reference to a valuation list there shall be substituted a reference to a valuation roll and for any reference to the Rating and Valuation Acts, 1925 to 1940, there shall be substituted reference to the Lands Valuation (Scotland) Act, 1854, as amended by any subsequent enactment;

(c) the expression 'local authority' means a local authority as defined in the Local Authorities Loans (Scotland) Act, 1891, and a joint committee of any two or more such authorities constituted under any enactment.

(15) In the application of this Regulation to Northern Ireland—

(a) for any reference to the first column of the Table set out in Part I of the Sixth Schedule to these Regulations there shall be substituted a reference to the Table set out in Part V of that Schedule;

(b) for any reference to an authority specified in the second column of the Table set out in the said Part I or to the Minister and for any reference in paragraph (11) or paragraph (12) to the appropriate authority, there shall be substituted a reference to the Secretary of State;

(c) the expression 'local authority' means the council of any county, county or other borough, urban or rural district, a board of guardians, the commissioners of a town, an education authority

and any committee or board appointed wholly or partly by a county or district council or board of guardians or by several such councils or boards jointly ;

- (d) in paragraph (3) for the reference to the Rating and Valuation Acts, 1925 to 1940, there shall be substituted a reference to the Valuation Acts (Northern Ireland), 1852 to 1940 ;
- (e) in paragraph (5) the reference to a government department includes a reference to a department of the Government of Northern Ireland, and for the reference to the Civil Defence Acts, 1937 and 1939, there shall be substituted a reference to the Civil Defence Acts (Northern Ireland), 1938 and 1939." [194]

2. After the Fifth Schedule to the Defence (General) Regulations, 1939, there shall be inserted the following Schedule :—

"SIXTH SCHEDULE

CONTROL OF BUILDING AND OTHER OPERATIONS

PART I

TABLE

<i>Purposes for which operation undertaken.</i>	<i>Authority who may authorise the execution of the operation.</i>
1. The discharge by a local authority of any of their functions, except in so far as the discharge thereof falls within any of the subsequent provisions of this Table.	The Minister of Health.
2. The discharge by a local authority, by arrangement with or under the direction of the Minister of Home Security, of functions for the purpose of dealing with circumstances arising out of the occurrence of war damage (as defined by section eighty of the War Damage Act, 1941).	The Minister of Home Security.
3. The discharge by a local authority of functions under the Education Acts, 1921 to 1939.	The Board of Education.
4. The discharge by the body of managers of a public elementary school maintained but not provided by a local authority of functions vested in them as such managers.	The Board of Education.
5. The discharge by a highway authority of any of their functions, except in so far as the discharge thereof falls within paragraph 2 of this Table.	The Minister of War Transport.
6. The carrying on, except in so far as it falls within the said paragraph 2, of any of the following public utility undertakings :—	
(a) An undertaking for the supply of electricity.	Electricity Commissioners.
(b) An undertaking for the supply of gas.	The Board of Trade.
(c) An undertaking for the supply of water.	The Minister of Health.

Purposes for which operation undertaken.

Authority who may authorise the execution of the operation.

- | | |
|---|--|
| (d) A railway, light railway, tramway, road transport, inland water transport, canal, inland navigation, dock, harbour or pier undertaking. | The Minister of War Transport. |
| (e) A sewerage or sewage disposal undertaking, or an undertaking for the collection or disposal of refuse. | The Minister of Health. |
| (f) An undertaking of a drainage authority. | The Minister of Agriculture and Fisheries. |
| 7. The carrying on of mining or quarrying operations. | The Board of Trade. |

PART II

The construction, re-construction or alteration of a building, of works required for the purpose of providing water, light, heating or other services for a building, of works of a kind required for the purpose of a public utility undertaking, or of any other fixed works of construction or civil engineering including a road.

PART III

Work done in the construction, re-construction, alteration, demolition, repair, or decoration of a building or of any such works as are mentioned in Part II of this Schedule or in the protection of a building or such works against hostile attack.

PART IV

TABLE

(Application to Scotland)

- | <i>Purposes for which operation undertaken.</i> | <i>Authority who may authorise the execution of the operation.</i> |
|--|--|
| 1. The discharge by a local authority of any of their functions relating to roads, omnibuses, trams, trolley vehicles and garages therefor, except in so far as the discharge thereof falls within paragraph 4 of this Table. | The Minister of War Transport. |
| 2. The carrying on by a local authority of an undertaking for the supply of electricity, except in so far as the carrying on thereof falls within paragraph 4 of this Table. | The Electricity Commissioners. |
| 3. The discharge or carrying on, except as aforesaid, by a local authority of any function or undertaking other than as aforesaid. | The Secretary of State. |
| 4. The discharge by a local authority, by arrangement with or under the direction of the Minister of Home Security, of functions for the purpose of dealing with circumstances arising out of the occurrence of war damage (as defined by section eighty of the War Damage Act, 1941). | The Minister of Home Security. |

*Purposes for which operation undertaken.**Authority who may authorise the execution of the operation.*

5. The carrying on of any of the following public utility undertakings by a body other than a local authority :—

- | | |
|--|--------------------------------|
| (a) an undertaking for the supply of electricity. | The Electricity Commissioners. |
| (b) an undertaking for the supply of gas. | The Board of Trade. |
| (c) an undertaking for the supply of water. | The Secretary of State. |
| (d) a harbour or pier undertaking to which Part III of the Harbours, Piers and Ferries (Scotland) Act, 1937, applies. | The Secretary of State. |
| (e) a railway, light railway, tramway, road transport, inland water transport, canal, inland navigation, dock, harbour or pier undertaking (other than such a harbour or pier undertaking as aforesaid). | The Minister of War Transport. |

6. The carrying on of mining or quarrying operations. The Board of Trade.

PART V

TABLE

(Application to Northern Ireland)

1. The discharge by a local authority of functions for any purposes.
 2. The discharge by the managers or body controlling a voluntary school (as defined in section fifteen of the Education Act (Northern Ireland), 1923) of functions vested in the managers or body as such.

3. The carrying on of any of the following public utility undertakings :—

- (a) an undertaking for the supply of electricity, gas or water.
- (b) a railway, light railway, tramway, road transport, inland water transport, canal, inland navigation, dock, harbour or pier undertaking.
- (c) a sewerage or sewage disposal undertaking or an undertaking for the collection or disposal of refuse.
- (d) an undertaking of a drainage authority.

4. The carrying on of mining or quarrying operations." [195]

3.—(1) The foregoing provisions of this Order shall come into operation on the first day of January, nineteen hundred and forty-two.

(2) The following transitional provisions shall have effect, that is to say—

- (a) the Regulation contained in Article 1 of this Order (in this paragraph referred to as "the new Regulation"), and any other relevant provisions of the Defence (General) Regulations, 1939, shall have effect as if any authorisation given under Regulation fifty-six A as in force immediately before the said first day of January (in this paragraph referred to as "the old Regulation") in relation to an operation executed for any purpose specified in the Table set out in Part I, Part IV or Part V, as the case may require, of the Schedule contained in Article 2 of this Order, and any licence granted under the old Regulation in respect of an operation executed for any such purpose, had been an authorisation given in respect of that operation under the new Regulation ;

- (b) notwithstanding the substitution by this Order of the new Regulation for the old Regulation, the old Regulation shall continue to have effect in relation to the execution of any building or constructional operation (within the meaning of the old Regulation) in respect of which a licence was in force under the old Regulation immediately before the said first day of January, not being an operation executed for any such purpose as aforesaid; and the new Regulation shall not have effect in relation to the execution of any such building or constructional operation as aforesaid or to the carrying out of any work involved in the execution thereof:

Provided that nothing in this paragraph shall be construed as requiring that any work involved in any such operation shall be left out of account in the application of paragraph (3) of the new Regulation to any work not so involved.

- (3) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. [196]

ORDER IN COUNCIL ADDING REGULATION 56AB TO THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1038

July 18, 1941

5. After Regulation fifty-six AA of the principal Regulations there shall be inserted the following Regulation:—

“56AB.—(1) No person shall, after such date as the Minister of Works and Buildings (hereafter in this Regulation referred to as “the Minister”) may by order appoint, carry out any work in the course of a building undertaking or civil engineering contracting undertaking carried on by him unless there is in force a certificate issued by the Minister that he is registered under this Regulation:

Provided that nothing in this paragraph shall affect any servant of His Majesty acting in the course of his duty as such.

An order under this paragraph may appoint different dates for different parts of the United Kingdom.

(2) In this Regulation the expression ‘building undertaking’ means an undertaking consisting wholly or mainly in the carrying on of any of the following activities, that is to say—

- (a) the construction, alteration, repair, decoration or demolition of buildings;
- (b) the carrying out, in conjunction with the carrying on of any such activities as are mentioned in sub-paragraph (a) of this paragraph, of any processes, operations or manufactures incidental to any of the said activities,

and the expression ‘civil engineering contracting undertaking’ means an undertaking consisting wholly or mainly in the carrying on of any of the following activities, that is to say—

- (i) the construction, alteration, repair, or demolition of docks, harbours, bridges, roads, viaducts, aqueducts, canals, inland navigations, pipe-lines, plant foundations, cooling towers and ponds, cable trenches, cableducts, railways, aerodromes, sea defences, river

works piers, quays, wharves, reservoirs, filter beds, sewage works, sewers, tunnels, and gasholders, the erection of overhead line supports, and any works of a similar nature ;

- (ii) the carrying out, in conjunction with the carrying on of any of the activities mentioned in sub-paragraph (i) of this paragraph, of any processes, operations or manufactures incidental to the carrying on of any of the said activities,

and the said expressions include any branch, department or other part of any organisation which is not itself either a building undertaking or a civil engineering contracting undertaking, if the branch, department or part is wholly or mainly devoted to the carrying on of any of the activities specified in sub-paragraphs (a) and (b), or sub-paragraphs (i) and (ii) of this paragraph :

Provided that a branch, department, or part of an organisation shall not, except where the organisation is that of a local authority or is a public utility undertaking, be treated for the purposes of this Regulation as a building undertaking or a civil engineering contracting undertaking unless it is wholly or mainly devoted to the carrying on of any of the said activities for persons, other than the persons controlling the organisation of which it forms part, entering into contracts with it or with that organisation.

(3) An application for a certificate of registration under this Regulation may be made by any person carrying on a building undertaking or a civil engineering contracting undertaking, and shall be made in such manner and contain such particulars as the Minister may direct.

(4) Before granting a certificate under this Regulation the Minister shall take such steps as appear to him to be appropriate for the purpose of satisfying himself—

- (a) that where the terms and conditions of employment of persons employed in building undertakings or civil engineering contracting undertakings in any class of work in any district or on any site have been fixed by joint agreement in the industry or by arbitration, the terms and conditions of employment of persons employed in that class of work in that district or on that site in any building undertaking or civil engineering contracting undertaking carried on by the applicant shall be neither more nor less favourable than the first mentioned terms and conditions ;
- (b) that such conditions as to hours of employment (including conditions as to Sunday work) will be observed in any such undertaking as the Minister may direct,

and if he is satisfied of the matters aforesaid he shall grant the certificate :

Provided that notwithstanding anything in the foregoing provisions of this paragraph the Minister may in any case grant a provisional certificate of registration having the like effect for the purposes of this Regulation as a certificate of registration under this Regulation, but where a provisional certificate is granted the Minister shall as soon as may be take such steps as appear to him to be appropriate to satisfy himself of the matters aforesaid, and if not satisfied thereof shall revoke the provisional certificate.

(5) If at any time while a certificate of registration under this Regulation is in force as respects any person the Minister is not satisfied that the requirements of sub-paragraphs (a) and (b) of the last preceding paragraph are being complied with in the case of that person, the Minister may revoke the certificate.

(6) Notwithstanding anything in sub-paragraph (a) of paragraph (4) of

this Regulation, a certificate of registration under this Regulation shall not be withheld or revoked by reason only—

- (a) of the carrying out of any arrangements required by virtue of Article 3 or Article 7 of the Essential Works (Building and Civil Engineering) Order, 1941, as to the remuneration of workers on a system of, or a system which includes, payments by results, or otherwise than on a plain time-rate basis ;
- (b) of the terms and conditions of employment of any person for the time being registered under Part IV of that Order (which relates to Building Volunteers).

(7) If at any time while a certificate is in force under this Regulation as respects any person that person ceases to be a person carrying on a building or civil engineering contracting undertaking, he shall notify that fact to the Minister, and thereupon the Minister may revoke the certificate.

(8) The Minister may by order made as respects any class of persons employing labour in any of the activities mentioned in sub-paragraphs (a), (b), (i) and (ii) of paragraph (2) of this Regulation (whether or not the said persons are carrying on building undertakings or civil engineering contracting undertakings) make provision for requiring—

- (a) the keeping of such records relating to the carrying on of the said activities as may be specified by or under the order ;
- (b) the making of such returns, at such times, in such manner and containing such particulars, whether as to number, qualifications or otherwise, regarding persons employed in any of the said activities as may be so specified ;
- (c) the production of such books or other documents, and the furnishing of such information, relating to the carrying on of the said activities as may be so specified.

(9) With a view to ascertaining whether the requirements of sub-paragraphs (a) and (b) of paragraph (4) of this Regulation are being complied with in the case of any undertaking, any person authorised in that behalf by the Minister may at any time enter and inspect any land occupied for the purposes of the undertaking and any article on that land.

(10) In the application of this Regulation to Northern Ireland, for any reference to the Minister of Works and Buildings there shall be substituted a reference to the Minister of Commerce for Northern Ireland." [197]

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THE CONTROL OF BUILDING OPERATIONS ORDER, 1941

S. R. & O., 1941, No. 1986

December 10, 1941

The Minister of Works and Buildings in exercise of the powers conferred on him by Regulation fifty-six A of the Defence (General) Regulations, 1939, and of all other powers enabling him in that behalf hereby orders as follows:—

1. The sum prescribed under paragraph (c) of the proviso to paragraph (1) of the said Regulation fifty-six A (which provides that no authorisation under the said paragraph (1) shall be required for any such building or other operation as is mentioned in that paragraph which is begun on or after the first day of January, nineteen hundred and forty-two, if the total cost of the

complete operation, including in particular the proper proportion of any standing charges for staff or other services and other overhead charges, does not exceed such sum as may be prescribed by order of the Minister of Works and Buildings) in relation to an operation begun at any time on or after that date is the sum of one hundred pounds. [198]

2.—(a) The sum prescribed under the proviso to paragraph (2) of the said Regulation (which provides that no licence under that paragraph shall be required for an operation begun after the first day of January, nineteen hundred and forty-two, which involves the doing of any description of any work specified in Part III of the Sixth Schedule to the Defence (General) Regulations, 1939, if the total cost of the work of that description involved in the operation, including in particular the proper proportion of any such charges as aforesaid, does not exceed such sum as may be prescribed by order of the Minister of Works and Buildings) in relation to work involved in an operation begun at any time on or after that date being work of the description specified in sub-paragraph (b) of this paragraph, is the sum of one hundred pounds.

(b) The description of work hereinbefore referred to is any work falling within Part III of the said Sixth Schedule. [199]

3. The sum prescribed under the proviso to paragraph (3) of the said Regulation (which provides that no licence under that paragraph shall be required for the carrying out on any property (as defined by the said paragraph) of any such work as aforesaid or any such maintenance work as is mentioned in that paragraph, if the cost of the work, including in particular the proper proportion of any such charges as aforesaid, together with the cost, including in particular the proper proportion of any such charges, of any other such work as aforesaid carried out on the property within the previous twelve months, does not exceed such sum as may be prescribed by order of the Minister of Works and Buildings) in relation to work carried out at any time on or after the said date is the sum of one hundred pounds. [200]

4.—(a) This Order may be cited as the Control of Building Operations Order, 1941.

(b) This Order shall come into operation on the first day of January, nineteen hundred and forty-two. [201]

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MINISTRY OF HEALTH CIRCULAR

Circular 2417

July 9, 1941

Sir,

**DEFENCE (GENERAL) REGULATIONS, 1939; REGULATION 56A.
CONTROL OF BUILDING OPERATIONS. PUBLIC HEALTH ACT,
1936: SECTION 64. BUILDING BYELAWS**

I am directed by the Minister of Health to refer to Regulation 56A of the Defence (General) Regulations, 1939, which with certain exceptions makes it unlawful for any building operation the cost of which exceeds £100 (including the cost of work done on the same building within the previous twelve months) to be undertaken except in so far as it is authorised by a licence issued by the Minister of Works and Buildings or otherwise, and to state that it has been brought to the Minister's notice that the passing by a

local authority of plans deposited in pursuance of building byelaws has by some persons been assumed to operate as the licence or other authority required by this Regulation.

A notice given under section 64 of the Public Health Act, 1936, that plans deposited in pursuance of building byelaws have been passed is specifically required by sub-section (2) (ii) of the section to state that the passing of the plans operates only for the purposes of the requirements of the byelaws and of certain sections of that Act; misunderstanding should not arise if this sub-section is followed. Some local authorities have, however, found that the statutory warning of the limited nature of the approval given under the section is not always appreciated, and they have made a practice of amplifying it by adding that, in particular, the passing of the plans does not operate as a permission or consent under other enactments (specified in the notice) which are more widely known than are the restrictions recently imposed by Regulation 56A. To prevent misunderstanding in future, the Minister suggests that local authorities, when giving such a notice, should include in all appropriate cases a warning that the passing of the plans does not operate as a licence or other authorisation under the Regulation. This could best be done either by inserting an additional paragraph in, or by attaching a gummed slip to, the form normally used for the giving of the notice, and the warning might usefully comprise a brief statement of the effect of the Regulation (as given above) and mention that a pamphlet for the guidance of applicants for licences or authorisations under the Regulation may be obtained without charge from the Ministry of Works and Buildings, Lambeth Bridge House, Albert Embankment, London, S.E.1.

I am, Sir, etc. [202]

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CASUALS

See PUBLIC ASSISTANCE.

CATCHMENT BOARDS

See LAND DRAINAGE.

CENSUS

ORDERS, CIRCULARS AND MEMORANDA :—

National Registration Amendment Regulations, 1941

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ORDERS, CIRCULARS AND MEMORANDA

THE NATIONAL REGISTRATION AMENDMENT REGULATIONS, 1941

S. R. & O., 1941, No. 991

July 7, 1941

103192.

In exercise of the powers conferred on us by the National Registration Act, 1939, and of all other powers enabling us in that behalf, acting jointly, we hereby make the following regulations :—

1.—(1) These regulations may be cited as the National Registration Amendment Regulations, 1941, and shall be read as one with the National Registration Regulations, 1939 (in these regulations referred to as “the principal regulations”), as amended by the National Registration Amendment Regulations, 1939, and the National Registration Amendment Regulations, 1940, and the aforesaid regulations and these regulations may be cited together as the National Registration Regulations, 1939 to 1941.

(2) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. [203]

2. In Regulation 19 of the principal regulations there shall be added after the words “Registrar-General” where they first occur the words “and the officer shall enter on the identity card and authenticate the address of the new place of residence in manner directed by the Registrar-General.” [204]

3. In Regulation 19A of the principal regulations after the words “expects to return,” there shall be inserted the words “in circumstances which do not involve a change of retailer for food rationing purposes.” [205]

4.—(1) The following regulation shall be inserted immediately after Regulation 20 of the principal regulations :—

“20A.—(1) A person who is authorised to require the production of an identity card may require any person who fails to produce his identity card on demand and as regards whom he is not satisfied that a registration return has been made to attend forthwith at the office of a local national registration officer and complete a return on a form to be provided for the purpose by the Registrar-General.

(2) A return made by a person under this regulation shall, unless the Registrar-General or the appropriate central national registration officer is satisfied that a registration return has already been made in respect of him, be treated for the purposes of these regulations as a registration return.”

(2) Paragraph (4) of Regulation 20 of the principal regulations is hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder. [206]

5. In paragraph (a) of Regulation 23 of the principal regulations there shall be inserted after the words “air forces” the words “other than the Home Guard or the Air Training Corps”. [207]

6. The following regulation shall be inserted immediately after Regulation 31 of the principal regulations :—

“ 31A.—(1) No person shall make any mark or entry upon, or erase, cancel or alter any mark or entry made upon, or otherwise deface, or destroy, an identity card :

Provided that—

(i) the preceding provisions of this regulation shall not apply to anything done in pursuance of a direction contained in the Act and Regulations or by the authority of, or under arrangements approved by, the Registrar-General ; and

(ii) anything so done shall not be deemed to be a defacement of an identity card.

(2) No person shall assign or charge, or agree to assign or charge, any identity card, and the sale, transfer or assignment of or any charge on any identity card shall be void and of no effect.” [208]

7. The following regulation shall be substituted for regulation 32 of the principal regulations :—

“ 32.—(1) Where an identity card relating to a person required to be registered is lost, destroyed or defaced that person or, if he is a person of whom for the purposes of these regulations some other person is deemed to be in charge, that other person shall forthwith notify the local national registration officer for the local area in which he resides and, if so requested by that officer, shall fill up a form of application for the issue of a substitute and pay the fee herein prescribed and, in the case of a defaced card, surrender the card to the officer whereupon the officer shall take such steps as may be necessary for the issue of a substitute.

(2) The fee payable under this regulation shall be one shilling except in the case of a defaced identity card the contents of which are in the opinion of the local national registration officer decipherable when the fee shall be sixpence.” [209]

8.—(1) In Regulation 36A of the principal Regulations for the words “ in lieu of which a duplicate has been issued ” there shall be substituted the words “ the alleged loss or destruction of which has been notified.”

(2) The following paragraphs shall be added at the end of Regulation 36A :—

“ (2) A person who has in his possession more than one identity card relating to the same person, whether himself or a person of whom he is for the purposes of these regulations deemed to be in charge, shall forthwith produce such identity cards at the office of a local national registration officer, and, upon being notified by such officer which of those cards he should retain, shall surrender to him any other such card.

(3) The holder of an identity card containing particulars endorsed thereon by the authority of, or under arrangements approved by, the Registrar-General additional to the particulars provided for by the form contained in the Third Schedule to the principal regulations shall, if any of the additional particulars have ceased to apply in his case and if he is so instructed by a local national registration officer or other duly authorised person, forthwith surrender the card to a local national registration officer, and that officer shall issue to him a fresh identity card in lieu thereof.” [210]

9. The following regulation shall be substituted for Regulation 45 of the principal Regulations :—

“ 45. Except as otherwise provided by these regulations nothing in the Act or these regulations shall apply to—

- (a) male persons belonging to His Majesty's naval, military or air forces other than members of the Home Guard or officers of the Air Training Corps ; or
- (b) women who are members of the armed forces of the Crown ; or
- (c) officers or ratings of the Women's Royal Naval Service ; or
- (d) members of the Queen Alexandra's Royal Naval Nursing Service ; or
- (e) persons qualified to be included in the Mercantile Marine Register ;

and subject as aforesaid, no such persons shall be required to be registered.”
[211]

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CIVIL DEFENCE

See AIR RAID PRECAUTIONS ; FIRE PROTECTION ; POLICE.

COAL WEIGHING

See WEIGHTS AND MEASURES.

COMPENSATION ON ACQUISITION OF LAND

See LAND, ACQUISITION, SALE, ETC., OF.

COMPULSORY PURCHASE OF LAND

See LAND, ACQUISITION, SALE, ETC., OF.

CORONER

ORDERS, CIRCULARS AND MEMORANDA :—

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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL . . . AMENDING REGULATION . . . 30
. . . OF AND ADDING REGULATION 30A . . . TO THE
DEFENCE (GENERAL) REGULATIONS, 1939*S. R. & O., 1941, No. 340**March 14, 1941*

* * * * *

3. At the end of paragraph (3) of Regulation thirty of the principal Regulations, there shall be inserted the following words :—

“ Provided that the provisions of this paragraph shall have effect subject to the provisions of Regulation thirty A of these Regulations.” [212]

4. After Regulation thirty of the principal Regulations there shall be inserted the following Regulation :—

“ 30A.—(1) If a registrar of deaths, or any person authorised by the Secretary of State to act under this Regulation, has reason to believe—

- (a) that the death of a certain person has or may have occurred in consequence of war operations ; and
- (b) that the body of that person—
 - (i) has been destroyed, or cannot be found, or is in a place from which it cannot be recovered, or cannot be identified ;
 - (ii) has been buried as that of a person unknown or as that of some other person ;

he may make a report to that effect to the coroner having jurisdiction within an area in or near which the death is believed to have occurred.

(2) On receiving such a report about any person, the coroner shall, unless he thinks that no useful purpose would be served by so doing, cause to be exhibited, at such place or places in the district where the death of that person is believed to have occurred as he thinks suitable for eliciting information about that person, a notice stating—

- (a) the name and address of that person ;
- (b) that his death is believed to have occurred in the said district on a date specified in the notice ;
- (c) that the coroner proposes to inquire into the matter at such time and place as may be so specified ; and
- (d) that persons having information about the matter should send it to the coroner or attend at the time and place so specified.

(3) At the time and place specified in the said notice, or, if no such notice has been exhibited, at such time and place as he thinks fit, the coroner shall inquire into the matter, and shall have, for the purpose of the inquiry, all the same powers as he has for the purpose of an inquest :

Provided that, unless the Secretary of State on the application of the coroner otherwise directs,—

- (a) the inquiry shall be held without a jury and shall not be held in public ; and

(b) the coroner shall not require the exhumation of a body which has been buried.

(4) If, after holding such an inquiry with respect to the death of any person, the coroner is of opinion that the death of that person has occurred, and that it occurred in consequence of war operations, he shall issue a certificate to that effect; and every such certificate shall contain such particulars as are required by law to be contained in the certificate issued by a coroner after holding an inquest.

(5) A coroner by whom any such certificate is issued shall forthwith transmit the certificate to the registrar for the sub-district in which the death is certified to have occurred, and, in a case where the report was made to him by some person other than that registrar, shall give notice to that person of the issue and transmission of the certificate.

(6) On receipt of any such certificate with respect to the death of any person, the registrar shall, subject to any such general or special directions as may be given by the Registrar General of Births Deaths and Marriages, register the death in the manner prescribed under the enactments relating to the registration of deaths for the registration of a death on the certificate of a coroner after holding an inquest :

Provided that any such registration shall be so effected as to show that it was effected on a certificate issued in pursuance of this Regulation.

(7) Section thirty-eight of the Births and Deaths Registration Act, 1874, shall apply as if the reference therein to a certificate from a coroner included a reference to a certificate issued by a coroner under this Regulation.

(8) Any council having power to appoint a coroner may make to any county or borough coroner appointed, or deemed for the purpose of section five of the Coroners (Amendment) Act, 1926, to have been appointed, by them, such payments in respect of his functions under this Regulation as they think fit; and any such payments shall be deemed for the purpose of section eight of that Act to be expenses incurred under that Act upon the salary of the coroner.

(9) This Regulation shall apply to Northern Ireland subject to the following modifications :—

(a) for the reference to a sub-district there shall be substituted a reference to a district ;

(b) for the reference to the Registrar General of Births Deaths and Marriages there shall be substituted a reference to the Registrar General for Northern Ireland ;

(c) for the reference to section thirty-eight of the Births and Deaths Registration Act, 1874, there shall be substituted a reference to section twenty-eight of the Births and Deaths Registration (Ireland) Act, 1880 ;

(d) for paragraph (7) there shall be substituted the following paragraph :—

‘ (7) Any council having power to appoint a coroner may make to any county or borough coroner appointed by them such payments in respect of his functions under this Regulation as they may fix with the approval of the Ministry of Home Affairs for Northern Ireland; and any such payments shall be paid as part of the coroner’s salary.’ ” [213]

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DERATING

See RATES AND RATING.

DESTRUCTIVE INSECTS AND PESTS

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ORDERS, CIRCULARS AND MEMORANDA

THE WART DISEASE OF POTATOES ORDER, 1941

*S. R. & O., 1941, No. 1439**September 12, 1941*

D.I.P. No. 610.

The Minister of Agriculture and Fisheries by virtue and in exercise of the powers vested in him under the Destructive Insects and Pests Acts, 1877 to 1927, and of every other power enabling him in this behalf, orders as follows :—

Short Title

1. This Order may be cited as the Wart Disease of Potatoes Order of 1941. [214]

Application and Commencement

2. This Order shall apply to England and Wales only and shall come into operation on the fifteenth day of September, nineteen hundred and forty-one. [215]

Definitions

3. In this Order :—

“ Minister ” means the Minister of Agriculture and Fisheries ;

“ Ministry ” means the Ministry of Agriculture and Fisheries ;

“ Inspector ” means an Inspector or other authorised officer of the Ministry of Agriculture and Fisheries ;

The expression “ Local Authority ” means as regards any district the local authority for the district under the Diseases of Animals Acts, 1894 to 1937 ;

“ Wart Disease ” means the disease affecting potatoes which is caused by *Sinchytrium endobioticum* and known as Wart Disease of Potatoes or Black Scab or Cauliflower disease ;

“ An approved immune variety ” is a variety approved for the time being by the Minister as being immune from Wart Disease ;

“ Protected Area ” means the area described in the First Schedule hereto or any other area in England or Wales which is for the time being certified by the Minister to be a Protected Area for the purposes of this Order. [216]

Notification of Disease

4.—(1) The occupier or other person in charge of any land on which Wart Disease exists or appears to exist, and any person having in his possession or under his charge potatoes which are affected with Wart Disease, shall forthwith notify the fact by post or otherwise to the Ministry or to an Inspector.

(2) If on land in respect of which notification of disease has been given in any year Wart Disease exists or appears to exist in any subsequent year, a further notification of disease shall be so given. [217]

Prohibition of Sale of Diseased Potatoes

5. Potatoes visibly affected with Wart Disease shall not be sold or offered for sale for any purpose. [218]

Precautions to be adopted in case of an Outbreak of Disease

6.—(1) For the prevention of the spread of Wart Disease the occupier or other person in charge of land on which the disease exists, and any other person having in his possession or under his charge (whether or not in a pit bag or other receptacle) potatoes which are affected with the disease, shall forthwith adopt the following measures, that is to say :—

(a) boil thoroughly or destroy by fire all diseased tubers ; and

(b) in the case of the occupier or other person in charge of land on which the disease exists, destroy by fire any other part of the crop of potatoes on which there are visible signs of the disease.

(2) No person shall sell or offer for sale for planting any potatoes from a crop in which Wart Disease has been found to exist. [219]

Restriction on Planting Potatoes on Land infected with Wart Disease

7.—(1) No person shall plant or cause or permit to be planted in any field, garden or allotment in his occupation or under his charge on which Wart Disease has occurred at any time any potatoes which are not of an approved immune variety.

(2) A person shall not be liable to conviction for planting potatoes or causing or permitting potatoes to be planted in contravention of the preceding provision of this Article if he proves to the satisfaction of the Court that the potatoes were sold to him as potatoes of an approved immune variety and that he did not know that the potatoes were not of an approved immune variety.

(3) No person shall permit any potatoes to remain in land in his occupation or under his charge if the potatoes have been planted in contravention of this Article and the removal of the potatoes is required by notice in writing served on him by an Inspector. Any such notice may appoint the time within which the removal shall be completed. [220]

Restriction on Planting Potatoes and Sale and Movement of Potatoes for Planting

8.—(1) No person shall plant or cause or permit to be planted or sell or offer for sale for planting within a Protected Area, or move or cause to be moved into a Protected Area for planting therein, any potatoes grown in England and Wales or in the Isle of Man or in Scotland or in Northern Ireland or in Eire which are not the subject of a certificate issued by the Ministry or by the Board of Agriculture for the Isle of Man or by the Department of Agriculture for Scotland or by the Ministry of Agriculture for Northern Ireland or by the Department of Agriculture for Eire, as the case may be,

not earlier than the preceding first day of August to the effect that Wart Disease has not been known to the certifying Department to have occurred on the land on which the potatoes were grown, and that the potatoes were inspected whilst growing and found to conform to the standards of purity and health from time to time laid down in a Scheme of the certifying Department for the purpose of this Order.

(2) Except under and in accordance with the provisions of a licence issued by the Minister, no person shall plant or cause or permit to be planted or sell or offer for sale for planting in any land in England and Wales which is not within a Protected Area, any potatoes grown as aforesaid which are not the subject of a certificate issued as aforesaid to the effect that the potatoes were inspected whilst growing and found to conform to the standards of purity and health from time to time laid down in a Scheme of the certifying Department for the purpose of this Order.

(3) An inspection for the purposes of a certificate under this Article may be an inspection by an officer of the certifying Department or by a competent person previously approved for that purpose by the certifying Department.

(4) On any sale for planting of potatoes (not being a sale under a licence as above mentioned) the seller shall, on or before the sale or delivery of the potatoes, furnish the buyer with a statement in the relative invoice or in some other written document identifying the certificate relating to the potatoes sold.

(5) A certificate under this Article if withdrawn by the Department by which it was issued shall cease to have effect as a valid certificate as from the date on which the withdrawal is notified by the department to the person to whom the certificate was issued.

(6) Nothing in this Article shall prevent the planting on any farm, field, garden or allotment of potatoes which were saved from the crop grown on that farm, field, garden or allotment in the previous year. [221]

Misdescription of Potatoes

9. No person shall sell or offer for sale as potatoes of an approved immune variety potatoes which are not of an approved immune variety. [222]

Restriction on Sale or Planting of Potatoes Imported from Abroad

10. No person shall sell or offer for sale for planting in England or Wales, or plant or cause or permit to be planted, any potatoes which have been grown in any place outside England and Wales, the Isle of Man, Scotland, Northern Ireland and Eire except under and in accordance with the conditions of a licence granted by the Minister. [223]

Powers of Entry and Inspection

11.—(1) An Inspector upon production if so required of his appointment may, for the purpose of enforcing this Order, enter any land and any premises and examine any potatoes thereon.

(2) An Inspector may at any time, and from time to time, by notice served on the occupier or other person in charge of land on which the Inspector is satisfied that Wart Disease exists, or any person having in his possession or under his charge potatoes which are affected with Wart Disease or which are in a pit, bag or other receptacle with potatoes so affected, or which the Inspector has reason to believe to have been in a pit, bag or other receptacle with potatoes so affected or otherwise exposed to infection with Wart Disease, require him to adopt such measures for the prevention of the spread of the disease as are specified in Article 6 and appoint the time within which the adoption of any measure thereby prescribed shall be completed. [224]

Service of Notices, etc.

12. For the purpose of this Order a notice shall be deemed to be served on or given to any person if it is delivered to him personally or left for him at his last known place of abode or business, or sent through the post in a letter addressed to him there; and a notice purporting to be signed by an Inspector shall be *prima facie* evidence that it was signed by him as an Inspector. [225]

Information to be Given as to Potatoes

13. Every person who has or has had in his possession or under his charge any potatoes whether affected with Wart Disease or not so affected and every person who as auctioneer salesman or otherwise has sold or offered for sale any potatoes shall, if so required in writing by the Ministry or an Inspector, give the Ministry or the Inspector, as the case may be, all such information as he possesses as to the persons in whose possession or under whose charge they are or have been and shall produce for inspection by an Inspector any licences, certificates, declarations, records or invoices relating to the planting, sale or purchase of potatoes; provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under this Order except in respect of an alleged failure to comply with this Article. [226]

Licences

14. Notwithstanding the provisions of this Order, any potatoes may be planted, moved, consigned, sold or offered for sale under and in accordance with the conditions of a licence issued by the Minister. [227]

Notification of Order, etc.

15. This Order, and any certificate declaring a Protected Area under this Order, shall be published by the Local Authority in accordance with any direction given by the Minister. [228]

Offences

16. Every person shall be liable on conviction to a penalty not exceeding ten pounds or, in respect of a second or subsequent offence, to a penalty not exceeding fifty pounds who does any act in contravention of this Order or of the terms or conditions of any notice or licence served or issued under this Order, or who fails to do any act which by this Order or the terms or conditions of any such notice or licence he is required to do, or wilfully or negligently makes any statement for the purposes of this Order which is false in any material particular. [229]

Revocation of Orders

17.—(1) The Orders described in the Second Schedule hereto are hereby revoked; provided that such revocation shall not:—

- (a) affect the previous operation of such Orders or anything duly done or suffered under such Orders; or
- (b) affect any right, privilege, obligation or liability acquired, accrued, or incurred under such Orders; or
- (c) affect any penalty incurred in respect of any offence committed against such Order; or
- (d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability or penalty as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced, and any such penalty may be imposed, as if this Order had not been made.

(2) Every notice which requires an occupier to adopt measures for prevention of the spread of Wart Disease and which has been served under any of the Orders hereby revoked and every licence issued under those Orders shall have effect as if it were a notice served or a licence issued under this Order. [230]

* * * * *

FIRST SCHEDULE

The administrative county of Lincoln (Parts of Holland), the borough of Boston ; the petty sessional division of Bourne in the administrative county of Lincoln (Parts of Kesteven), the borough of Stamford ; the administrative county of the Soke of Peterborough, the City of Peterborough ; the administrative county of the Isle of Ely, the borough of Wisbech ; the petty sessional divisions of Clackclose, Freebridge, Marshland, Freebridge Lynn and Smithdon and Brothercross in the administrative county of Norfolk, the borough of King's Lynn. [231]

SECOND SCHEDULE

ORDERS REVOKED

Date of Order.	Title of Order.
1923 28th May	Wart Diseases of Potatoes Order of 1923 (S. R. & O., 1923 (No. 627), p. 245).
1929 3rd December	Wart Disease of Potatoes (Amendment) Order of 1929 (S. R. & O., 1929 (No. 1123), p. 396).

[232]

THE SALE OF DISEASED PLANTS (AMENDMENT) ORDER, 1941

S. R. & O., 1941, No. 1726

October 30, 1941

D.I.P. 611.

The Minister of Agriculture and Fisheries, by virtue and in exercise of the powers vested in him under the Destructive Insects and Pests Acts, 1877 to 1927, and of every other power enabling him in this behalf, orders as follows :—

Amendment of the Sale of Diseased Plants Order of 1927

1. The Sale of Diseased Plants Order of 1927 (hereinafter referred to as "the principal Order") as amended by the Sale of Diseased Plants (Amendment) Order of 1936 (hereinafter referred to as "the Order of 1936") is hereby further amended in the manner provided in this Order. [233]

Extension of Principal Order

2. In the First Schedule to the principal Order there shall be inserted in Part B the words "Club Root or Finger and Toe Disease (*Plasmodiophora Brassicae*)."

[234]

Commencement

3. This Order shall come into operation on the fifteenth day of November, nineteen hundred and forty-one. [235]

Short Title

4. This Order may be cited as the Sale of Diseased Plants (Amendment) Order of 1941, and shall be read as one with the Principal Order and the Order of 1936, and those Orders and this Order may be cited together as the Sale of Diseased Plants Orders of 1927 to 1941. [236]

* * * * *

DISEASES

ORDERS, CIRCULARS AND MEMO-				PAGE			PAGE
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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL ADDING REGULATION 33A . . . TO . . . THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1597

October 10, 1941

At the Court at Buckingham Palace, the 10th day of October, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. After Regulation thirty-three of the Defence (General) Regulations, 1939 (hereinafter referred to as "the principal Regulations"), there shall be inserted the following Regulation :

" 33A.—(1) If the Minister of Health is satisfied that scabies or any other disease or condition associated with infestation with vermin is, or that there is a substantial risk that any such disease or condition will become, prevalent to such an extent as to prejudice the carrying out of any of the purposes specified in subsection (1) of section one of the Emergency Powers (Defence) Act, 1939, he may by order make provision for the inspection of premises in which persons found to be verminous are or have been accommodated, for requiring persons who are or have been accommodated therein to submit themselves to medical examination, and for securing the cleansing or treatment of any such persons found on such examination to be verminous and the cleansing, treatment or destruction of articles which are, or are likely to

be, verminous by reason of their having been used by, or in contact with, persons found to be verminous.

(2) This Regulation shall in its application to Scotland have effect as if for the reference to the Minister of Health there were substituted a reference to the Secretary of State." [237]

* * * *

THE DEPTFORD AND ISLINGTON (CHICKEN-POX REGULATIONS RESCISSION) REGULATIONS, 1941

S. R. & O., 1941, No. 1180

August 6, 1941

103,194.

Whereas by the Deptford (Chicken-pox) Regulations, 1930, provision was made for the notification and treatment of cases of chicken-pox occurring in the metropolitan borough of Deptford ;

And whereas by the Islington (Chicken-pox) Regulations, 1930, provision was made for the notification and treatment of cases of chicken-pox occurring in the metropolitan borough of Islington ;

And whereas by paragraph (c) of the proviso to subsection (1) of section 346 of the Public Health Act, 1936, the said regulations have effect as if made under section 143 of the said Act :

And whereas it is expedient that the said regulations should be rescinded :

Now therefore the Minister of Health in pursuance of his powers under section 143 of the Public Health Act, 1936, and of all other powers enabling him in that behalf hereby makes the following regulations :—

1. These regulations may be cited as the Deptford and Islington (Chicken-pox Regulations Rescission) Regulations, 1941, and shall come into operation on the 1st day of September, 1941. [238]

2. The Deptford (Chicken-pox) Regulations, 1930, and the Islington (Chicken-pox) Regulations, 1930, are hereby rescinded :

Provided that the rescission of the said regulations shall not affect any right or liability acquired or incurred thereunder. [239]

* * * *

THE ILFORD (ACUTE RHEUMATISM) REGULATIONS, 1941

S. R. & O., 1941, No. 1458

September 17, 1941

103,216.

Whereas by the Ilford (Acute Rheumatism) Regulations, 1938 (in these regulations referred to as "the principal Regulations"), provision was made for the notification and treatment of cases of acute rheumatism as defined in the principal regulations occurring in the borough of Ilford ;

And whereas the principal regulations will cease to operate on the 31st day of January, 1942, and it is expedient that the period of operation of the principal Regulations should be extended :

Now therefore the Minister of Health in pursuance of his powers in that behalf hereby makes the following regulations :—

1.—(1) These regulations may be cited as the Ilford (Acute Rheumatism) Regulations, 1941, and shall come into operation on the date hereof.

(2) The principal Regulations and these regulations may be cited together as the Ilford (Acute Rheumatism) Regulations, 1938 and 1941. [240]

2. The principal Regulations shall notwithstanding anything contained in Regulation 1 thereof continue in operation until the 31st day of January, 1945. [241]

* * * * *

THE SCABIES ORDER, 1941

S. R. & O., 1941, No. 1724

October 28, 1941

103,272.

Whereas the Minister of Health is satisfied that scabies is prevalent to such an extent as to prejudice the carrying out of the purposes specified in sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939 :

Now therefore the Minister of Health, in exercise of the powers conferred on him by Regulation 33A of the Defence (General) Regulations, 1939, hereby orders as follows :—

1.—(1) This order may be cited as the Scabies Order, 1941, and shall come into force on the date hereof.

(2) In this order—

“ child ” means a person who has not attained the age of sixteen years ;

“ occupier ” in relation to any premises includes the person for the time being having the management of the premises. [242]

2.—(1) Where a medical officer of health is satisfied upon information given by a registered medical practitioner or otherwise, that a person is in a verminous condition, he may by notice in writing require the occupier of any premises in which that person is or has recently been accommodated to permit the inspection of the premises by the medical officer of health or by a person duly authorised by him in that behalf in writing.

(2) Where a medical officer of health is satisfied after such inspection that the medical examination of any person who is or has recently been accommodated in the premises is necessary or expedient, he may by notice in writing require that person to present himself, within the period specified in the notice, at a place specified in the notice at which arrangements for such examination are available and to submit himself to examination by the medical officer of health or some other registered medical practitioner.

(3) Where a medical officer of health is satisfied, upon such examination or upon a certificate of a registered medical practitioner, that a person is verminous and requires cleansing or treatment, he may—

(a) by notice in writing require that person to present himself, within the period specified in the notice, at a place specified in the notice at which suitable arrangements for the cleansing or treatment of verminous persons are available, and to submit himself to such cleansing or treatment ; and

(b) by notice in writing require the cleansing, treatment or destruction of any article specified in the notice which is, or is likely to be, verminous by reason of having been used by, or in contact with that person.

(4) Where any requirement made under this order relates to a child, the parent or guardian or other person for the time being having charge of the child shall do all such things as are necessary for the purpose of securing or facilitating the fulfilment of the requirement, and shall comply with any reasonable request or instructions given for that purpose by or on behalf of the medical officer of health.

(5) The medical officer of health or other person by whom premises are inspected in pursuance of this order may require the occupier of the premises to furnish particulars of all persons who are or have recently been accommodated on the premises.

(6) The cleansing of a female under this order shall be carried out only by a registered medical practitioner, or by a woman duly authorised by the medical officer of health. [243]

* * * * *

LOCAL GOVERNMENT ACT, 1929

TREATMENT OF TUBERCULOSIS

WELSH NATIONAL MEMORIAL ASSOCIATION

SCHEME made by the Minister of Health under section 131 (2) of the Local Government Act, 1929 altering the scheme made by the Minister on the 25th day of March, 1937, under section 102 (3) of that Act as amended by the schemes dated 11th day of April, 1938, 20th day of April, 1939 and 30th day of April, 1940.

THE MINISTER OF HEALTH in exercise of the powers conferred upon him by section 131 (2) of the Local Government Act, 1929, after consultation with the councils of counties and of county boroughs in Wales and Monmouthshire hereby makes the following scheme :—

1. This scheme and the scheme made by the Minister on the 25th day of March, 1937, under section 102 (3) of the Local Government Act, 1929, as amended by the schemes made on the 11th day of April, 1938, the 20th day of April, 1939, and the 30th day of April, 1940 (which amended scheme is hereinafter referred to as "the principal scheme") shall be construed as one.

2. The principal scheme shall be altered as follows :—

In Part II of the schedule to that scheme the sum of £390,000 shall be substituted for the sum of £305,000 as being the amount required in respect of the financial year for 1941-42.

3. Nothing in this scheme shall affect any power to terminate or reduce any contribution in accordance with the provisions of the principal scheme.

[244]

* * * * *

X-RAY APPARATUS

*Circular 2368**May 19, 1941*

USE OF APPARATUS SUPPLIED BY MINISTER OF HEALTH

SIR,—I am directed by the Minister of Health to draw the attention of the authorities of all hospitals which have been supplied with X-ray apparatus by him to the following matters in connection with the regulation of the use of that apparatus by the hospitals concerned.

The apparatus supplied by the Ministry should normally be used only (a) by a medical practitioner with experience in radiology, appointed as radiologist by the authority of the hospital to take charge of the X-ray department or enrolled as a radiologist in the Emergency Medical Service; or (b) by a person appointed as radiographer, who should have had experience in the use and care of X-ray apparatus and should be appointed only after consultation with the appropriate medical officers. The medical officer acting as radiologist should visit the X-ray department at least once a week to ensure that the apparatus is in order and that a good standard of work is maintained.

In the absence of the radiologist and the radiographer, only approved deputies should be permitted to use the apparatus.

The Minister cannot accept responsibility for any charges which may arise from damage to X-ray apparatus supplied by him, if such damage is caused by the use of the apparatus by persons not duly authorised by the hospital authorities to use it.

The types of X-ray apparatus supplied by the Minister are as follows :—

(i) *The fixed X-ray set*, with Potter Bucky couch and screening stand. This apparatus is suitable for all types of investigation, including barium meal and enema examinations, and other “heavy” types of examination. Routine screening and radiography of the chest should normally be undertaken only on this type of apparatus.

(ii) *The mobile X-ray set* of the ward trolley type. A Potter Bucky couch and a screen for use over the couch only are usually provided. This apparatus is suitable for all fracture work and for the simpler techniques of radiography. The facilities for screening from below the couch are limited and should not be employed for routine work other than fractures and foreign bodies. The mobile set can be used in the wards or theatres and is more powerful than the portable apparatus (see below), though less convenient in use. Barium meal and enema examinations should *not* be attempted with this apparatus.

(iii) *The portable X-ray set*. This is a small unit with limited output and is intended mainly for use in the wards and theatres. Although capable of dealing in emergency with certain difficult cases, it is advisable not to overtax its capacity, and such cases should normally be dealt with by one of the more powerful units. This apparatus is not designed for screening, and its use for this purpose, particularly in the operating theatre, is to be deprecated because of the risks to the operator and to the apparatus.

(iv) *A self-contained X-ray set*, complete with couch and petrol generator, has been supplied to each Region. When an X-ray department is put out of action, these stand-by sets can be installed in a few hours and are independent of the source of electrical supply. They are stored under the care of the Hospital Officer.

(v) *X-ray vans* are also to be supplied to each Sector and Region. These provide their own source of electrical supply and carry a portable apparatus, and a demountable combined couch and vertical screen for emergency work. A length of cable is supplied so that the apparatus can be used in the hospital. The van is equipped as a dark room. [245]

* * * *

MEMORANDUM ON LOUSE-BORNE TYPHUS FEVER

Memorandum 252 (Medical)

The existence of louse-borne typhus fever in Europe and North Africa at the present time makes it advisable to take precautions in case the disease reaches this country through refugees, prisoners of war or returning travellers. This note has therefore been prepared for the information of Medical Officers of Health, Medical Superintendents of Isolation Hospitals and others who might be concerned. It deals only with the louse-borne form of typhus fever, as it may occur in this country, but it is important to remember that both the tick and the flea borne varieties of typhus fever have in the past been introduced into Great Britain.

Ætiology

The form of typhus under consideration is carried by body lice and probably by head lice. The blood of a patient is infective and there is some evidence that the excreta may be so as well. The disease may occur with typical severity in a perfectly well-nourished individual although it is traditionally associated with malnutrition, fatigue and exposure. It must be remembered that mild cases may occur and are liable to be missed. [246]

General course of disease

Louse-borne typhus fever is an acute infectious disease lasting from twelve to sixteen days and is characterised by a generalised maculo-papular rash which may become hæmorrhagic and which is invariably absent from the face. Toxaemia and marked nervous manifestations are severe. [247]

Incubation period

The incubation period is usually between eight to twelve days and most commonly about ten. Exceptionally the incubation period may vary from five to twenty-three days. [248]

Onset

The onset is sudden but may be preceded by malaise. Rigors, headache, pains in the limbs and back, vomiting and epistaxis are all common initial symptoms. The temperature generally rises rapidly to 103° F. or more. The patient soon develops a dull and heavy expression. The face is flushed and congested, the eyelids swollen and conjunctivæ injected. Delirium begins very early and bronchitis is common. The tongue is furred, later becoming tremulous with limited power of protrusion. The patient gradually drifts into the "typhoid state" which is fully established between the third and fifth day. There may be either maniacal manifestations or mental torpor. Broncho-pneumonia is one of the commoner complications. Cardiac dilatation and weakness are almost invariable and heart failure is frequent.

[249]

Rash

The rash appears on the fourth or fifth day and never involves the face—a most important diagnostic point.

The eruption appears as small, red papules in the axillae, on the abdomen, chest and back, later spreading to the extremities. For a day or two, the papules fade on pressure, after which they fail to do so and become dull red. The appearance of the papules may resemble closely those of typhoid fever but in general they are more numerous and fresh crops do not appear.

In some cases subcuticular lesions, which may be as large as a shilling, appear between the papules and produce the effect of marbling. Ecchymoses may form upon the skin of dependent parts. It is important to note that, in children especially, the rash may be absent or may be confined to a few papules on the chest. In haemorrhagic cases it closely resembles that of haemorrhagic small-pox and may be accompanied by haematemesis, haematuria and melaena. [250]

Fever

The temperature rapidly rises to about 103° F., remains fairly steady throughout the illness, begins to fall about the twelfth or thirteenth day and returns to normal by a rapid lysis extending over two to three days. [251]

Nervous System

Though some patients remain in a state of torpor throughout, a considerable number experience a stage of nervous excitation which lasts for some days, the patient then either passes into a "typhoid state" or dies. The special features of the "typhoid state" in typhus are—

- (1) nightmare dreams, sometimes of an occupational character ;
- (2) the tongue which tends to shrivel owing to the wastage of the intrinsic muscles, becomes nearly black, tremulous and frequently incapable of protrusion.

In the "typhoid state" the patient may succumb or he may rapidly pass into the stage of defervescence. After a quiet sleep "he wakes a new man." The temperature has fallen, the skin has become moist and the pulse slow. The tongue cleans and mental clearness returns, the patient entering the stage of convalescence. [252]

Diagnosis

Clinically the diagnosis rests on the sudden onset with high temperature; the occurrence on the fourth or fifth day of the characteristic rash typically absent from the face, and the striking mental condition. [253]

Laboratory Diagnosis. (Weil-Felix reaction.)

About the end of the first week, and often earlier, the patient's serum develops the power of agglutinating the so-called Proteus X strains. This reaction is specific for the typhus group of fevers and agglutination of Proteus OX 19 appears to be specific for louse-borne (epidemic) typhus and flea-borne (endemic or murine) typhus. The OX 19 suspension issued by the Oxford Standards Laboratory should be employed and the test should be carried out by the macroscopic technique. A strong reaction in a dilution 1 in 80 or 1 in 100, obtained by naked eye reading, may be regarded as positive, but during the later stages of the disease the titre usually rises to 1 in 1000 or much higher figures. On the other hand, an increase in the agglutinating power of the serum, established by repeated examinations at intervals of two days, is significant, even at a titre of 1 in 50. [254]

Differential Diagnosis

(a) *Enteric diseases*.—Fever of the enteric group can be eliminated by the results of blood culture, cultures from the faeces and urine, and agglutination tests.

(b) *Cerebro-spinal fever*.—This disease may be very difficult to distinguish from typhus clinically and reliance has to be placed on the results of the examination of the cerebro-spinal fluid and the Weil-Felix reaction.

(c) *Encephalitis*.—This condition may be distinguished from typhus fever by the gradual onset, absence of rash, the paralysis, and the absence of the Weil-Felix reaction.

(d) *Smallpox*.—The prodromal rashes of smallpox may resemble those of typhus fever and for some time the different diagnosis may be difficult. [255]

Specific Protection

A large amount of work has been done in attempts to produce a satisfactory anti-typhus vaccine, the position being complicated by the impossibility of growing *Rickettsia* on any of the ordinary media. The vaccine at present available in this country is that prepared by utilising the yolk sac of the developing chick embryo as the culture medium. This vaccine on injection into guinea-pigs produces a high degree of active immunity to louse-borne typhus. Unfortunately no figures are yet available as to its efficacy under field conditions. But, the results obtained in the protection of laboratory workers justify the belief that this vaccine will give reasonable protection on natural exposure. It is given in three doses of 1 c.c. each at weekly intervals. It is intended for the present to limit this protective measure to the terms mentioned below. [256]

Administrative Control

(1) Typhus fever is compulsorily notifiable to the Medical Officer of Health, and every case must be reported by him immediately either by telegram or telephone to the Ministry of Health, Whitehall.

(2) In view of the greater probability of the disease being first introduced into the larger aggregations of population, a number of the principal towns have been asked to organise teams for dealing with an outbreak. Where it becomes necessary to set up a team its composition will need to be as follows, medical officer 1, nurses 4, ambulance driver 1, ambulance attendant 1. One or more Sanitary Inspectors and trained disinfectors should also be included. This team should be duplicated to guard against casual absence from any cause and to provide a reserve.

The personnel of the teams should be provided with protective clothing and be offered preventive inoculation. A description of a type of protective clothing found valuable in practice is given in Appendix 1.

(3) In view of the difficulty of diagnosis Medical Officers of Health should arrange for the services of a medical officer conversant with the disease. Resort can be made to the Medical Staff of the Ministry of Health or, in London, to that of the London County Council. Arrangements have been made whereby on application to the Ministry of Health a mobile team from the American Red Cross—Harvard Field Hospital Unit will be available for assistance in diagnosis and control in any part of England and Wales.

(4) Medical Officers of Health should give consideration without delay to the question of the provision of hospital accommodation for cases of typhus fever. In practice it will generally be found advisable to make arrangements with one of the larger isolation hospitals. A large sheet should be utilised to envelop the patient completely during removal to hospital which should be done in a vehicle easy to free from lice.

During the admission of a patient to hospital the staff engaged are particularly exposed to the danger of contracting the disease and the greatest care should be taken during this time. The patient must be taken to a special bathroom, stripped, de-loused and clad in hospital garments by protected attendants before being admitted to a ward set apart for the purpose. The de-lousing must include not only complete disinfection of the patient's clothing but careful de-lousing of his person. This will involve close cutting of the hair, shaving where necessary, and careful bathing. The greatest care must be taken to see that the patient is thoroughly soaped all over and cleansed in such a manner that all lice are destroyed. In the hospital itself accommodation should be provided where the staff can change into protective clothing, which in due course must be taken off and left for disinfection. Thereafter the staff must pass to a bathroom and finally to the room where their ordinary uniform is kept.

(5) Careful tracing of the origin of the infection is of the greatest importance, and all persons who may have been exposed to risk must be de-loused and kept under surveillance for a period of three weeks. It may be necessary in the case of heavily infested individuals to de-louse a second time after an interval of ten days in order to ensure the destruction of lice hatched from eggs that have survived the first de-lousing.

(6) Where the possibility of typhus fever exists every effort should be made to lessen the amount of louse infestation amongst the population generally. Apart from known contacts a vigorous campaign of cleaning-up of infested persons should at once be undertaken by the health authority. The powers with regard to disinfection are given in Appendix II. [257]

APPENDIX I

PROTECTIVE CLOTHING

[Sketches]

The clothing suggested is shown in the sketch, without the gloves and boots. It is a one piece garment, the legs being continued into the feet, as in fishing waders. It is completely closed except at the back, round the face and at the wrists. The back opening is closed either by a zip fastener or tapes. Zippers, which if properly fitted give most protection, should be non-rusting. It must be remembered too that they may not stand hospital laundrying involving passage through rollers. Thorough disinfection of the garments after use, however, is generally all that is required. If zip fasteners are not used, the aperture down the back should be closed with tapes stitched on the outside so as to allow an overlap of at least 8 inches. The hood is fitted with a continuous cord running round the face aperture and tying below. Tapes and elastic are provided to draw the sleeves closely round the wrists. In the sketch the continuous lines denote seams which, to prevent the ingress of lice, must be closely sewn. Doubling over with two rows of stitching is the most satisfactory method.

The material, either dark blue or khaki, should be closely woven. It must stand boiling or dry heat disinfection, and be sufficiently strong to support zip fasteners if these are used. For a medium size garment 6 yards are required of material 28 inches wide. The length of the zip is 30 inches and about 1 yard of tape with $\frac{1}{2}$ yard of elastic are required for the wrists.

Gloves and gum-boots must also be worn. The gloves should be of woven cotton fabric and they should come well up the forearm and grip closely over the sleeves. The lighter forms of gum-boot, or half gum-boots, are suitable for ordinary work.

If masks are worn, surgical masks may be used if they are made of at least five layers of gauze not less than 42 lines to the inch.

PROTECTIVE CLOTHING IS A NECESSITY FOR DOCTORS, NURSES, AMBULANCE DRIVERS, SANITARY INSPECTORS, AND DISINFECTORS WHO MAY COME INTO CONTACT WITH

APPENDIX II

Local Authorities are empowered by the Scabies Order, 1941 (S. R. & O. 1724/1941), made under Defence Regulation 33A (see Ministry of Health Circular 2517, dated 14th November, 1941), to inspect premises in which persons found to be verminous are or have been accommodated, to require persons who are or have been accommodated therein to submit themselves to examination, and to secure the cleansing or treatment of any such persons found on such examination to be verminous, and the cleansing, treatment or destruction of articles which are or are likely to be verminous by reason of having been used by or in contact with persons found to be verminous.

The above-mentioned powers are additional to those already operative, as follows :—

(a) to provide cleansing stations. (In London, section 124 Public Health (London) Act, 1936. Outside London, section 86 Public Health Act, 1936.)

(b) to cleanse of vermin the person or clothing of anyone applying to them for this to be done. (London, section 125. Outside London, section 85.)

Compulsion can be exercised only by a court of summary jurisdiction (section 85 (2)) ; in London, by order of a petty sessional court (section 127). No charge may be made in or out of London.

Section 85 gives power, outside London, to cleanse of vermin the person or clothing of anyone, with his consent, reported to them by the Medical Officer of Health or the Sanitary Inspector to be verminous ; the consent in the case of a person under 16 to be given by the parent or guardian.

(c) Provinces only: to cleanse verminous articles and clothings (section 84).

(d) London only : County or district Medical Officers of Health may compulsorily examine inmates of common lodging houses and require cleansing (section 126 (2)).

The Local Education Authority for elementary education has the following powers :—

(a) to direct their Medical Officer of Health or person authorised by him to examine for the presence of vermin any child at a public elementary school.

(b) to require his parent to cleanse him, in accordance with written instructions supplied, within 24 hours: on failure of his parent to do so, to remove the child and themselves have him cleansed. The Local Education Authority may use the cleansing station and appliances of a sanitary authority (section 87, Education Act, 1921).

In London there is a further power for a County Medical Officer of Health or a person authorised by him in writing to examine a child attending any school in the county of London provided or maintained by the County Council as the Local Education Authority (*i.e.* not only public elementary schools) and to require the cleansing of a child found to be verminous (s. 126 (1)) ; and under s. 127 (7) the County Council and any sanitary authority may make agreements for the cleansing of any person or clothing under the section and for the use of any cleansing station and appliances.

Under the provisions of Part II of the First Schedule to the Public Health (Infectious Diseases) Regulations, 1927, when a Medical Officer of Health becomes aware that a case of typhus fever has occurred in his district he must immediately notify details of the case to the Minister and, unless the district is a County Borough, to the Medical Officer of Health of the County in which the district is situated.

If the Medical Officer of Health is satisfied that it is necessary he shall report the case to the Local Authority who may, by notice in writing to the head of the family, or to such other person specified in the Regulations, require immediate measures to be taken to the satisfaction of the Medical Officer of Health to obtain the complete destruction of lice on the person or clothing of every occupant of the building in which the disease has occurred as well as the destruction of lice in the building itself. The notice may also require the temporary segregation for a specified period of other occupants of the building or of persons recently in contact with the patient until their persons and clothing have been completely freed from lice.

The Regional Commissioners for the London Civil Defence region in pursuance of their powers under the Defence (General) Regulations, 1939, have made certain rules regarding public shelters.

A person in a shelter who is suspected by a Medical Officer to be suffering from an infectious disease or is verminous may be required to be medically examined in order that his condition may be ascertained. While such person is in the shelter he shall remain in such part of the shelter as the Medical Officer directs. If such person is found to be suffering from an infectious disease the Medical Officer may arrange for his removal to hospital, or should he be found to be verminous the Medical Officer may require him to cleanse himself and his clothing within a specified time, or to attend at a cleansing station for the purpose of being cleansed.

If a person authorised by the Medical Officer of Health considers any bedding or other property in a shelter to be verminous or offensively unclean he may require the owner or other person in charge of it to cleanse it or allow it to be removed for cleansing. [259]

DISEASES OF ANIMALS

See ANIMALS.

DISINFECTION

See DISEASES.

DOGS

See ANIMALS.

DRAINAGE BOARDS

See LAND DRAINAGE.

EDUCATION

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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL ADDING REGULATION . . . 60DB TO THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1407

September 11, 1941

* * * * *

5. After Regulation sixty DA of the principal Regulations there shall be inserted the following Regulation :—

“ 60A.—(1) Where the Board of Education are satisfied—

- (a) that a school or other institution has been removed to Scotland or Northern Ireland in consequence of circumstances arising out of the war ; and
- (b) that service by teachers in the school would have been contributory service under the Teachers (Superannuation) Acts, 1918 to 1939, or a scheme in force thereunder, if the school had remained in the place from which it was so removed ;

the Board may, if they think fit, direct that any such service as aforesaid, being service during such period (ending not later than the date on which this Regulation ceases to be in force) as the Board may direct, shall be treated as contributory service for the purposes of the said Acts or the scheme as if the school had remained in that place.

(2) Service so treated as contributory service shall, for the purposes of any scheme framed in pursuance of the Education (Scotland) (Superannuation) Acts, 1919 to 1939, be treated in the same manner as employment in England which is accepted by the Board of Education for the purposes of the Elementary School Teachers (Superannuation) Act, 1898, or any Act amending that Act.” [260]

* * * * *

THE TEACHERS SUPERANNUATION AMENDING RULES, 1941

S. R. & O., 1941, No. 599

April 24, 1941

1. The following addition is made to Rule 26 of the Teachers Superannuation Rules, 1926—

“(e) any payments made after 31st August, 1939, by way of bonus or allowance in respect of increased cost of living.” **[261]**

2. These Rules may be cited as the Teachers Superannuation Amending Rules, 1941. **[262]**

* * * * *

THE REGULATIONS FOR THE TRAINING OF TEACHERS, 1941

S. R. & O., 1941, No. 738

May 24, 1941

INTRODUCTORY

1. In these Regulations unless the context otherwise requires—

“The Act” means the Education Act, 1921, as amended by any subsequent enactment.

“The Board” means the Board of Education.

“Authorities” in relation to any institution means the Local Education Authority or Governing Body responsible for the institution, or any persons having authority from them.

“Non-provided” means not provided by a Local Education Authority or Authorities for higher education.

“Recognised” means recognised by the Board for the purposes of payment of grant.

“Approved” means approved by the Board for the purposes to which the context relates.

“Inspector” means one of His Majesty’s Inspectors or any other person employed by the Board for the purpose of inspection.

“Code qualification” means qualification for recognition as a Certificated Teacher or as a Teacher of a Special Subject under the Board’s Regulations in force from time to time for Public Elementary Schools.

“Academic year” means year beginning on the 1st August or on such other date as is approved in the case of a particular institution. **[263]**

2.—(a) For the purposes of these Regulations a Training College is an institution established for the provision of full-time courses for persons preparing to become teachers, including a Training Department in connexion with a University, University College, or other institution.

(b) Students in training may be recognised either as Day Students, or, if they are boarded and lodged in a recognised Training College or Hostel or other approved place of residence, as Resident Students. **[264]**

GENERAL REQUIREMENTS AS TO TRAINING COLLEGES AND HOSTELS

3.—(a) In order to be recognised a Training College or Hostel must comply with the requirements of these Regulations and any requirements of the Act; and if it does not so comply recognition may be withdrawn.

(b) Before recognising a Training College the Board must be satisfied that it is needed and that it will not compete unduly with existing Training Colleges.

(c) In the case of a non-provided Training College, the requirements of these Regulations include those set out in the Schedule hereto. [265]

4. Every Training College or Hostel must be kept on a satisfactory level of efficiency and must be open to inspection by an Inspector. It must be suitable as regards character, management and financial position to be aided by grant and must be governed and conducted under adequate and suitable rules. [266]

5.—(a) The premises, equipment and general arrangements of a Training College or Hostel must be suitable. [267]

(b) New premises or enlargements or alterations of existing premises and plans thereof must be approved unless the Board otherwise directs. [268]

6. The number of Day Students or Resident Students at a Training College or Hostel must not exceed the number approved from time to time. [269]

7. Such registers and records must be kept for every Training College or Hostel and such information and returns must be furnished from time to time as the Board may require. [270]

COURSES OF EDUCATION AND TRAINING

8. The Courses of education and professional training in a Training College must be in accordance with a suitable curriculum and must include a systematic study of the principles and practice of teaching. The professional training must include practice in teaching in accordance with approved arrangements. [271]

9. Satisfactory arrangements must be made for examinations on the courses taken by the students at a Training College, and students must not be prepared or entered for other examinations without the Board's approval. [272]

TEACHING STAFF

10.—(a) The teaching staff of a Training College must be suitable and sufficient in number and qualifications for the supervision of the students and for providing adequate instruction in each subject of the courses.

(b) The Principal of a Training College for women appointed after the 29th July, 1926, must be a woman. [273]

11.—(a) The teaching staff of a Training College must be employed under written agreements or, in the case of teachers appointed by a Local Education Authority, either under written agreements or under a minute of the Authority.

(b) The agreement or minute must, either directly or by reference to specified regulations or minutes, define the conditions of service and indicate whether the teacher is employed in full-time service exclusively in the capacity of a teacher, or in part-time service in the capacity of a teacher, or partly in the capacity of a teacher and partly in another capacity. [274]

12. Except in the case of a University or University College, the scales of salary for the teaching staff of a Training College must be in accordance with approved arrangements. [275]

13. If a teacher is convicted of a criminal offence, or his engagement is terminated, whether by way of dismissal or resignation, on account of misconduct or grave professional default, the facts must at once be reported to the Board. [276]

14. If and so far as the Board declare a teacher to be unsuitable for employment on grounds of misconduct or grave professional default, the teacher must not be employed. Before taking action the Board will use every available means of informing the teacher of the charges against him and of giving him an opportunity for explanation. [277]

ADMISSION, FEES, &c.

15.—(a) A person who desires to enter a Training College as a recognised student or as a private student seeking a Code qualification must—

- (i) in the case of a female student commencing a course, other than a four-year course which includes work for a University Degree, be a person the eighteenth anniversary of whose birthday falls on or before the 31st December, or, in any other case, be a person the seventeenth anniversary of whose birthday falls on or before the 1st October, in the year of the student's admission to the College ;
- (ii) have passed before admission an examination approved as a First Examination for Secondary School purposes or some other approved examination of at least equivalent standard ; and
- (iii) satisfy the College authorities as to his character, probable suitability for the teaching profession, and health and physical capacity for teaching.

(b) A person entering as a recognised student must also—

- (i) be a British subject ordinarily resident in England or Wales unless an exception to this rule is approved ; and
- (ii) sign a declaration that he intends to complete the course of training for which he is admitted and thereafter to adopt and follow the profession of teacher in an approved School, and that in entering the College he takes advantage of the public funds by which it is aided in order to qualify himself for that profession and for no other purpose.

(c) Promises of admission in any academic year must not be given more than six months before the beginning of that year. [278]

16.—(a) A student must not be refused admission to or excluded from a Training College on other than reasonable grounds.

(b) Any case of dismissal of a student from the College must at once be reported to the Board. [279]

17. The arrangements with respect to fees at a Training College must be satisfactory to the Board, and the fees both for recognised and for private students must be at approved rates. [280]

18. The College authorities must take responsibility for the arrangements for the residence of any Day Students who do not reside with their parents or guardians, and must satisfy the Board on the matter if required. [281]

GRANTS

Aid to Local Education Authorities

19. Training Colleges and other recognised work in connexion with the training of teachers conducted by Local Education Authorities for higher education will be aided under the Regulations of the Board providing for the payment of grants to such Authorities and not by direct grant under these Regulations. [282]

Training College Grants

20.—(a) The grants payable by the Board on account of recognised students at Training Colleges will be—

- (i) the ordinary tuition and maintenance grants ;
- (ii) the special supervision grant, fee grant, and maintenance grant under Article 21 for an undergraduate University student ; and
- (iii) the special tuition grant under Article 22 for a fourth year or post-graduate student.

(g) The grants will be payable for an academic year. They will be proportionately reduced for courses of less than a year, a term being treated as a third of the academic year.

(c) Grants other than maintenance grants will be available only for students at non-provided Training Colleges ; they will be payable to the Governing Body of the College.

(d) Maintenance grants for Resident Students will be available only for students resident at non-provided institutions ; they will be payable to the Governing Body of the institution or (if the institution is not a recognised Training College or Hostel) in such manner as the Board think fit for the benefit of the student.

(e) Maintenance grants for Day Students will be available for students both at provided and at non-provided Training Colleges, but only where the Board are satisfied by a certificate from the College authorities that the student needs such a grant ; these grants will be payable to the student through the College authorities.

(f) The standard rates of grant are—

Tuition grant :—	£28 for a man and £26 for a woman.
Resident Student's maintenance grant :—	£43 for a man and £34 for a woman.
Day Student's maintenance grant :—	£26 for a man and £20 for a woman.

(g) The ordinary tuition and maintenance grants, assessed at the standard rates, will be payable under this Article where grant is not payable under Article 21 or Article 22. [283]

21.—(a) The special grants for an undergraduate University student will be available only for a student at a non-provided Training College for whom a four-year course including work for a University Degree is approved ; they will be payable for not more than three years, and only for periods for which the student is recognised as an undergraduate receiving instruction at a University or at a University College recognised for these grants.

(b) The said special grants will comprise a grant in respect of the general supervision of the student, limited to £5 a year unless a higher rate has heretofore been paid, together with, in cases of financial need,—

- (i) a fee grant, subject to approved limits, to be applied by the Governing Body in or towards payment of the student's fees for the degree course, and
- (ii) a maintenance grant assessed at a rate not exceeding the appropriate standard rate.

(c) The said fee grant and maintenance grant will be assessed at the rates (if any) for which under approved arrangements the student is qualified by his financial circumstances as ascertained by the Governing Body, and payment will be made on a certificate, given by them in an approved form, stating the amounts payable. [284]

22.—(a) The special tuition grant for a fourth year or post-graduate student will be available only for a student who is recognised as pursuing, at the Training Department of a University or of a University College recognised for this grant, the fourth year of a four-year course or a post-graduate year of professional training.

(b) The said special tuition grant will be payable at a rate not exceeding £35 to be determined by the Board after examination of the accounts of the Training Department.

(c) Subject to the provisions of Article 20 a maintenance grant, assessed at the appropriate standard rate, will be payable in addition to the special tuition grant. [285]

23. Where two or more non-provided Training Colleges form a recognised group, and the Governing Body of a College of the group have consented for any academic year to the transfer under this Article of a specified amount of grant, the Board may reduce by that amount the grants payable to the Governing Body for the year under any of the foregoing Articles, and will in that case pay the amount to a recognised body for administration in accordance with approved arrangements for the benefit of any Colleges of the group. [286]

Grants for Special Purposes

24.—(a) Where a non-provided Training College (other than a Training Department of a University or University College) provides a recognised two-year course of advanced standard in physical training to which students are newly admitted every year, the Board may pay to the Governing Body a physical training grant not exceeding £200 for any academic year after the academic year in which the course is first instituted.

(b) In the case of any non-provided Training College (other than a Training Department of a University or University College) the Board may, subject as herein provided, pay an additional grant to the Governing Body not exceeding one-half of any approved expenditure incurred by them on air-raid precautions.

In respect of any approved expenditure on the construction and equipment of any air-raid shelter to which the Governing Body become committed at any date not earlier than the 19th October, 1940, the additional grant may be equal to the whole of the said approved expenditure in any case where the Board are satisfied that the shelter will, if the Air Raid Precautions Authority so desire, be available to the public at all times when it is not required for the purpose for which it is primarily intended.

(c) Where a Final Examination for the purposes of a Code qualification is conducted by a recognised Joint Board, the Board of Education may pay to the Joint Board a grant not exceeding £1 10s. in respect of each person examined who has been a recognised student. Payments on account of the grants to any such Joint Board may be made before the number of candidates is ascertained. [287]

Periods of Recognition

25.—(a) The periods of recognition of students at Training Colleges, except in the case of students following either four-year courses which include work for a University Degree, or other courses provided for some special purpose which justifies an extended period, will not exceed—

- (i) one year for students who have obtained University Degrees, Certificated Teachers who have not previously been trained at Training Colleges, and persons who, having been so trained as recognised

students for not more than two years, have completed three years' teaching in approved schools ; or

(ii) two years for other students.

(b) An extension or renewal for one year or less of the period of recognition may be for an approved course elsewhere than at a Training College. [288]

Courses elsewhere than at Training Colleges

26. Where a course elsewhere than at a Training College is approved under paragraph (b) of the foregoing Article for a recognised student, grants will be payable at such rates not exceeding those under Article 30, and to such persons or bodies other than Local Education Authorities, as the Board may determine. [289]

Preliminary Education and Training

27. If the Board are satisfied that there are in any area a sufficient number of suitable candidates for the teaching profession for whose education provision cannot be made at a Secondary School up to the age of eighteen, or if the Local Education Authority desire to provide alternative courses of preparation suitable to the circumstances of the area or the needs of individual candidates, the Board may recognise provision made by the Authority in accordance with approved arrangements for the preliminary education and training of candidates for the profession as Student Teachers, Pupil Teachers or otherwise.

Provided that—

- (i) any Student Teacher must have received continuous instruction up to the age of seventeen at an approved School and must have passed an examination qualifying for admission to a recognised Training College ;
- (i) any Pupil Teacher must pursue a course beginning not earlier than the age of sixteen and providing education in a Pupil Teacher Centre combined with training, or (if in a rural area that arrangement is not practicable) some other course of education combined with training ;
- (iii) any such Pupil Teacher Centre must comply, so far as the Board may require, with their Regulations for Secondary Schools. [290]

Training of Graduates at Secondary Schools

28. Where one or more students who have obtained University Degrees are trained under approved arrangements in a course at a Secondary School extending over not less than a year and providing for a systematic study of the principles and practice of teaching, and the School is a non-provided School in receipt of direct grant from the Board, the Board may pay grant to the Governing Body at the yearly rate of £40 for the first, £30 for the second, and £20 for the third student in training at any one time ; and the Board may recognise provision made for such training as aforesaid at a Secondary School maintained or aided by a Local Education Authority. [291]

Other Courses for Teachers

29. In order that courses for teachers not falling within the scope of these Regulations may be recognised, they must comply with the requirements applicable under the Board's Regulations for Further Education. [292]

30. The Board may make grants to teachers to assist them to follow approved full-time courses of advanced study. The grant to a teacher will

not exceed £200 and will be determined after consideration of the circumstances of the teacher and the expenses which he will incur. [293]

31. The Board may arrange short courses of instruction for teachers and may make grants towards the travelling expenses of teachers selected to attend such courses. [294]

SUPPLEMENTAL PROVISIONS

32. Instalments of a grant for any period may be paid during that period, without prejudice to subsequent adjustments. In respect of part of any period the Board may pay the full grant for the period or such portion as they think fit, but grant for an interrupted course which is resumed will not exceed what would otherwise have been payable for the full course. [295]

33. Payment of grant under these Regulations to an institution which ceases to be recognised or becomes an institution provided by a Local Education Authority may be limited so as not to exceed the net outstanding liabilities of the institution for maintenance at the date from which recognition ceases or its total net outstanding liabilities at the date from which the Authority include the accounts of the institution in their Education Account, as the case may be. [296]

34. The Board may withhold or make a deduction from grant if the requirements of these Regulations are not fulfilled. [297]

35. If any question arises as to the interpretation of these Regulations, or as to whether any of the requirements thereof are fulfilled, or as to the amount of any grant payable thereunder, or as to the suitability of a student for recognition or continued recognition, the decision of the Board shall be final. [298]

36.—(a) These Regulations shall have effect as from the 1st day of August, 1941, in substitution for the Provisional Regulations for the Training of Teachers, 1939, but shall not affect the operation, in relation to periods prior to that date, of the said Provisional Regulations or the Regulations for the Training of Teachers, 1934, as amended by Amending Regulations No. 1, 1935, No. 2, 1936, No. 3, 1937, and No. 4, 1939.

(b) These Regulations may be cited as the Regulations for the Training of Teachers, 1941. [299]

SCHEDULE

NON-PROVIDED TRAINING COLLEGES—Article 3 (c).

1.—(a) No catechism or formulary distinctive of any particular religious denomination may be taught in the College except as provided by this Rule.

(b) If the instrument under which the College is governed requires, or does not prohibit, the giving in the College of religious instruction distinctive of any particular denomination, the governing body may provide such instruction for any student upon the written request of the student. A record must be kept of all such requests.

(c) Where such instruction is given, regulations must be made by the governing body such as will secure observance of paragraphs (a), (b) and (c) of this Rule to the satisfaction of the Board, and a copy of such regulations must be given to every student.

(d) Such instruction, if given, must be provided from funds other than grants made by the Board or any local authority.

2.—(a) In the selection of candidates for half the number of places which will be vacant, the authorities of the College must not reject, or invite the withdrawal of, the application of any candidate not belonging to the denomination of the College on the ground of religious faith, or by reason of his refusal to undertake to attend or abstain from attending any place of religious worship or any religious

observance or instruction in religious subjects in the College or elsewhere, nor may they require any candidate not belonging to the denomination of the College to enter for any examination in religious knowledge.

(b) Any student who, when offered a place in the College, claims exemption on the conscientious ground of not belonging to the denomination of the College, must not be required as a condition of entering or continuing in the College to comply with any rule of the College as to attendance at religious worship or observances or instruction in religious subjects.

3. The instrument under which the College is governed must not require any members of the teaching staff to belong, or not to belong, to any particular religious denomination.

4. Rules 1 and 3 of this Schedule shall not apply to a Training College which has been recognised from a date earlier than the 1st August, 1907. [300]

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THE HIGHER EDUCATION GRANT REGULATIONS, 1941

S. R. & O., 1941, No. 1482

September 22, 1941

Grant payable to Authorities

1. The grant payable by the Board to Local Education Authorities in aid of Higher Education is payable, subject to the conditions of these Regulations, for each financial year. [301]

2. Subject to Articles 3, 4 and 5, the grant payable for a year to each Authority will be equal to one half of the net expenditure of the Authority recognised by the Board in accordance with these Regulations. [302]

3.—(1) In respect of Training Colleges provided by Authorities, additional grants will be payable on a capitation basis, subject to such rateable reduction as may be necessary to limit the total amount of the additional grants to £70,000, as follows :—

- (i) On account of students from outside the area of the Authority concerned, at the rate of £30 for resident and £12 for day students, subject to a limit of half the amount estimated by the Board as the Authority's net expenditure in respect of these students; and
- (ii) On account of students from within the area, at the rate of £10 for resident and £4 for day students.

(2) The students to be taken into account for additional grant are the students of the Colleges concerned who are recognised under the Board's Regulations for the Training of Teachers; and for each rate of grant the number of students will be taken as one-third of the sum of the numbers on the 15th May, 15th November and 15th February in the year for which the grant is payable.

(3) The payment of additional grant to an Authority for any year is conditional upon the Board being satisfied that—

- (i) the Training Colleges concerned have complied with the requirements of the Board's Regulations for the Training of Teachers; and
- (ii) the annual fees charged for recognised students from outside the Authority's area have not exceeded £40 for a resident student or £20 for a day student, except with the special consent of the Board.

[303]

4.—(1) The grant payable for any year to a contributing Authority as defined in this Article will be reduced by an amount equal to a fraction of the total amount of the additional grants under Article 3; and the fraction will be ascertained by taking half the sum of the following fractions for the financial year 1937-8 :—

- (i) The average attendance in Public Elementary Schools (not being Special Schools) maintained by the Authority and by any other Local Education Authorities within their area, divided by the sum of the like average attendances for the areas of all the contributing Authorities; and
- (ii) The number of pounds produced by a penny rate in the area of the Authority, divided by the sum of the like numbers for the areas of all the contributing Authorities.

(2) For the purposes of this Article—

- (i) the contributing Authorities for any year are such Authorities receiving the grant as do not in the year provide Training Colleges other than those in which only domestic subjects are taught;
- (ii) average attendance will be computed in accordance with the Board's Regulations for Public Elementary Schools; and
- (iii) the number of pounds produced by a penny rate will be ascertained from the product of a penny rate in the rating areas, as determined for the purposes of section 9 of the Rating and Valuation Act, 1925, or in London as certified by the District Auditor.

[304]

5. In respect of any recognised net expenditure on the construction and equipment of any air-raid shelter to which an Authority became committed at any date not earlier than the 19th October, 1940, the grant payable to the Authority will be equal to the whole of the said net expenditure in any case where the Board are satisfied that the shelter will, if the Air Raid Precautions Authority so desire, be available to the public at all times when it is not required for the purpose for which it is primarily intended. [305]

Ascertainment of Expenditure.

6.—(1) In the case of each Authority the Board will ascertain net expenditure from the Higher Education Revenue Account prescribed by the Education Accounts (Annual Statements) Order, 1921.

(2) From the expenditure shown in the Revenue Account the Board will exclude—

- (i) expenditure which in the opinion of the Board is attributable to a service in respect of which payments are made by a Government Department other than the Board;
- (ii) expenditure in respect of Schools which are in receipt of direct grant from the Board and are not provided by Authorities, but so that expenditure on air-raid precautions shall not be excluded by reason of being in respect of such schools;
- (iii) in Wales and Monmouthshire, contributions paid by the Authority to the Central Welsh Board for Intermediate Education; and
- (iv) any other expenditure not recognised by the Board as expenditure in aid of which parliamentary grants should be made to the Authority.

(3) After excluding the expenditure aforesaid, the Board will deduct from the remaining expenditure all receipts relating thereto, except receipts in respect of rates raised by the Authority, Crown contributions in lieu of

rates, and grants from the Board ; and the net expenditure thus ascertained will be the net expenditure of the Authority to be recognised by the Board. [306]

Conditions of Grant

7. The grant is conditional upon the Board being satisfied that the Authority—

- (i) have performed their duties under the Act ;
- (ii) have complied with the requirements, so far as applicable, of the Regulations of the Board in force from time to time relating to higher education, including these Regulations ; and
- (iii) have supplied punctually such information and returns as the Board require.

If the Board are not satisfied on any of these matters they may withhold or make a deduction from the grant. [307]

8.—(1) The payment of the grant in full is conditional upon the Board being satisfied that the salaries of teachers are such that no occasion arises for a deduction from the grant as in this Article provided.

(2) If any scales of salary in Schools, whether provided by an Authority or not, in which the Authority accept responsibility for the salary scales are less than the recognised scales, where such scales are applicable, and if in the opinion of the Board the efficiency of the provision made for higher education for the area is thereby endangered, the Board may make such deduction from the grant as will in their opinion secure that the expenditure by the Authority falling to be met from the rates shall not be less than such expenditure would have been if the scales of salary in question had been in accordance with the recognised scales.

(3) For the purposes of this Article the recognised scales are the scales laid down in the Reports dated the 22nd July, 1938, of the Burnham Committees on Scales of Salaries for Teachers in Secondary Schools and in Technical and Art Schools and in the Appendices thereto, subject to any subsequent modifications agreed by the respective Committees and approved by the Board. [308]

9. Where an Authority provide or assist in providing scholarships (which term includes maintenance allowances) for full-time students at schools or colleges or hostels, or pay or assist in paying (whether directly or by way of remission) the fees of such students, the payment of grant in respect of expenditure equivalent to the aid so given is subject to the following conditions :—

- (i) The arrangements of the Authority with regard to such aid and estimates of the cost must be submitted at such times as the Board may require and must be approved by them ; and the Board will not recognise aid given otherwise than in accordance with arrangements so approved.
- (ii) The aid must be for the purpose of enabling students to follow courses of education which are suitable for them.
- (iii) The students must be in need of assistance and the arrangements must specify the financial circumstances that will qualify them for aid and the limits of the aid to be given.
- (iv) The Board will not recognise aid given to—
 - (a) students at Training Colleges which are recognised under the Board's Regulation for the Training of Teachers, except where the Board otherwise determine ; or

- (b) students whom the Board regard as falling within the province of another Government Department, except where the Board otherwise determine after consulting the Department concerned. [309]

Provisions as to Payment

10.—(1) A sum estimated to amount to ninety per cent. of the grant payable for the year will, subject to the provision by Parliament of the necessary moneys, be payable by monthly instalments on account during the year.

(2) After the end of the year such further instalments as the Board think fit, based on the returns required by them for the purpose, may be paid before final adjustment.

(3) The inclusion by the Board of expenditure for the purpose of calculating any instalments of the grant will not commit the Board to the recognition of such expenditure for the purposes of these Regulations.

(4) The balance of the grant will be paid after the audited accounts for the year and any other returns required by the Board for the purpose have been received and examined.

(5) The grant will be calculated to the nearest pound, a fraction of a pound in the final result being ignored or reckoned as a pound according as it is, or is not, less than ten shillings. [310]

Definitions and Supplemental Provisions

11. In these Regulations unless the context otherwise requires—

“The Act” means the Education Act, 1921, as amended by any subsequent enactment.

“The Board” means the Board of Education.

“Authority” means Local Education Authority for Higher Education.

“The grant” means the grant payable to an Authority under Article 2 of these Regulations as increased or reduced under the provisions, if applicable, of Articles 3, 4 and 5.

“School” includes any educational institution, and also any course of instruction forming part only of the work of a School or conducted separately.

“Year” or “financial year” means year beginning on the 1st April. [311]

12.—(1) Payment of grant will not be made more than once in respect of the same expenditure; and any payment under Section 118 (2) of the Act will be made as part of the grant under these Regulations.

(2) Any grant under the Board's Regulations for Secondary Schools which is receivable by an Authority in pursuance of a Scheme under the Welsh Intermediate Education Act, 1889, will be treated as part of the grant under these Regulations.

(3) If the Governing Body of a School elect not to receive direct grant, the exclusion of expenditure in respect of that School under Article 6 (2) (ii) will, for the financial year in which the election takes effect, be limited to the amount of direct grant payable in that year; and for this purpose an exclusion of expenditure by two or more Authorities will be apportioned in such manner as the Board think proper.

(4) If an Authority's account shows an addition to or subtraction from their share of the residue for a former year under Section 1 of the Local

Taxation (Customs and Excise) Act, 1890, as amended, the Board may adjust the grant to that Authority by a corresponding subtraction or addition. [312]

13. If any question arises as to the interpretation of these Regulations, or as to whether any of the requirements thereof are fulfilled, or as to the amount of any grant payable thereunder, or as to the inclusion or exclusion of any items of receipt or expenditure for the purpose of calculating grant, the decision of the Board shall be final. [313]

14.—(1) These Regulations shall have effect in substitution, as from the 1st day of April, 1941, for previous Regulations of the Board providing for the payment of Grant to Authorities in aid of Higher Education, but shall not affect the operation of such previous Regulations in relation to periods prior to that date.

(2) The Higher Education Grant Provisional Amending Regulations, 1941, dated January 11, 1941 (being Regulations made by the Board as Provisional Regulations for the amendment of the aforesaid previous Regulations) are hereby confirmed so far as they relate to the year beginning on the 1st day of April, 1940.

(3) These Regulations may be cited as the Higher Education Grant Regulations, 1941. [314]

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THE TEACHERS REGISTRATION COUNCIL AMENDING ORDER, 1941

S. R. & O., 1941, No. 1799

November 11, 1941

At the Court at Buckingham Palace, the 11th day of November, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by section 16 of the Education (Administrative Provisions) Act, 1907, it is enacted that it shall be lawful for His Majesty by Order in Council to constitute a Registration Council representative of the teaching profession to whom shall be assigned the duty of forming and keeping a register of such teachers as satisfy the conditions of registration established by the Council for the time being, and who apply to be registered :

And whereas by subsection (3) of the said section any such Order in Council may be revoked, altered or added to by a subsequent Order :

And whereas by virtue of the powers conferred by the said Act, provision was made by the Teachers Registration Council Order, 1926 (in this Order called "the 1926 Order"), for the constitution of the Registration Council (in this Order called "the Council") :

And whereas the 1926 Order was altered by the Teachers Registration Council Amending Order, 1937 :

And whereas it is desirable to postpone the next election of the Council and for that purpose to alter the 1926 Order in manner hereinafter appearing :

Now, therefore, His Majesty, by and with the advice of His Privy Council, and by virtue of the Authority committed to Him by the said Act, and of all

other powers enabling Him in that behalf, is pleased to order, and it is hereby ordered, as follows :—

1. Notwithstanding the provisions of Article 3 of the 1926 Order the quinquennial period of office of the Council now in office shall be extended so as to expire with the thirtieth day of June in such year subsequent to the year nineteen hundred and forty-two as may hereafter be specified by an Order in Council under the said Act. [315]

2. Any reference in the 1926 Order to a quinquennial period shall be construed as including a reference to the present quinquennial period as extended as aforesaid. [316]

3. This Order may be cited as the Teachers Registration Council Amending Order, 1941. [317]

* * * * *

THE TEACHERS SUPERANNUATION (NURSERIES) SCHEME, 1941

S. R. & O., 1941, No. 1931

November 27, 1941

1. The provisions of Part II of the Teachers (Superannuation) Act, 1925 (hereinafter referred to as "the Act") shall apply to persons employed in the capacity of teachers in a Nursery in respect of which a grant is made by the Ministry of Health as if such a Nursery were a grant-aided school within the meaning of the Act, subject to the modification that the service of a person in such capacity as aforesaid shall not be treated as service in respect of which superannuation allowances or gratuities may be granted which has not (unless the teacher has completed satisfactorily such a course of training as the Board may accept for the purpose of this Scheme) been preceded by recognised or contributory service under the Act. [318]

2. This Scheme may be cited as the Teachers Superannuation (Nurseries) Scheme, 1941. [319]

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ELEMENTARY EDUCATION GRANT PROVISIONAL AMENDING REGULATIONS, 1941

P. R. & O., 1941

January 11, 1941

The Board of Education hereby certify under Section 2 of the Rules Publication Act, 1893, that on account of urgency the following Regulations should come into immediate operation, and accordingly they hereby make the following Regulations to come into operation forthwith as Provisional Regulations :—

1. The existing Regulations hereby amended are the Elementary Grant Regulations, 1940, as amended by the Elementary Education Grant Amending Regulations No. 1, 1940. [320]

2. Whereas it is expedient, in respect of the expenditure by Local Education Authorities for Elementary Education on air-raid shelters, to increase in certain conditions the grant payable to such Authorities under the existing Regulations :

The following provisions are substituted for proviso (b) of Article 2 :—

“(b) In respect of any recognised net expenditure on air-raid precautions for which provision is not otherwise made in this Article, if the standard percentage is less than fifty, fifty per cent. shall be substituted for the standard percentage.

(bb) In respect of any recognised net expenditure on the construction and equipment of any air-raid shelter to which the Local Education Authority become committed at any date not earlier than the 19th October, 1940, one hundred per cent. shall be substituted for the standard percentage in any case where the Board are satisfied that the shelter will, if the Air Raid Precautions Authority so desire, be available to the public at all times when it is not required for the purpose for which it is primarily intended.” [321]

3. If any question arises as to the interpretation of these Regulations, or as to whether any of the requirements thereof are fulfilled, or as to the amount of any grant payable thereunder, the decision of the Board shall be final. [322]

4. These Regulations may be cited as the Elementary Education Grant Provisional Amending Regulations, 1941. [323]

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THE ADULT EDUCATION AMENDING REGULATIONS NO. 2, 1941

January 17, 1941

1. The existing Regulations hereby amended are the Adult Education Regulations, 1938. [324]

2. In Article 8 of the existing Regulations paragraphs (b), (c) and (j) shall be omitted, and the following provision shall be added at the end of paragraph (k) as part of that paragraph :—

“If in the case of any class on the shift system the Board are satisfied that local circumstances justify a modification of the said special provisions in so far as they prescribe a maximum grant and a minimum standard for that grant, they may reduce the figures for that maximum and that minimum by one-quarter respectively.” [325]

3. In Article 10 of the existing Regulations the following words shall be added at the end of paragraph (c) as part of that paragraph :—

“but in case of failure, by reason of circumstances arising from war conditions, to fulfil any requirements of the Regulations, the Board may pay such grant (if any), not exceeding the full grant, as they think proper, having regard to the extent, character, and cost of the work actually carried on, after consideration of the explanation submitted by the Responsible Body.” [326]

4. In Article 11 of the existing Regulations the following paragraphs shall be substituted for paragraphs (a) and (b) :—

“(a) Notwithstanding the provisions of Article 10 the Board may aid the work of not more than seventy full-time tutors under Universities or University Colleges as Responsible Bodies by inclusive grants in substitution for separate grants in respect of the several courses taken by such tutors.

(b) A Responsible Body desiring to receive an inclusive grant must submit an application giving particulars of the qualifications and experience of the tutor in question and showing the nature of the work he will undertake and the conditions of his employment.”

[327]

5. In Article 13 of the existing Regulations the following paragraphs shall be substituted for paragraphs (e) and (g) :—

“(e) Added students, not exceeding one-third of the number on the roll on the date when it is closed, may be admitted after that date, provided that their names are shown in the register, that the tutor is satisfied that they can take up the work at the stage reached by the class, and that the total number of students on the register of the class for the year does not exceed 24, or in a class on the shift system 36. Added students admitted during the first year or after the fourth meeting of the second year of a course will be entered on the roll as from the beginning of the year following that in which they joined, and will then be taken into account for grant. Added students admitted during the first four meetings of the second year of a course will be entered on the roll for that year and taken into account for grant accordingly.”

“(g) In the case of not more than one-quarter of the total number of the Three Year and Advanced Tutorial Classes conducted by a Responsible Body, the Board may raise the maximum grant payable respectively under Article 13 (f) and Article 14 (f) to £75 (or, for a class on the shift system, to £150), if they are satisfied that the classes for which such higher maximum grant is claimed are taken by tutors of exceptional qualifications and experience. The said maximum of one-quarter may be increased to such higher number of classes, not exceeding one-half of the total number of classes conducted as aforesaid, where at least one-half of such higher number of classes are taken by tutors devoting their whole time to Adult Education work. For the purpose of computing the number of classes under this paragraph, a class on the shift system will be regarded as two classes or, where the Board have modified the special provisions for that class under Article 8 (k), as one and a half classes, and classes aided by an inclusive grant under Article 11 will be disregarded.” [328]

6. The provisions of the existing Regulations relating to the minimum standard for full grant for Courses given in Three Year Tutorial Classes, Advanced Tutorial Classes, University Sessional Classes, and University Extension Lecture Classes, and for Terminal or Short Terminal Courses and One Year Courses shall cease to apply and the following provisions shall take their place :—

(a) In Article 13 (f), the following provision—

“The minimum standard for full grant will be whichever is the higher in each of the following cases, that is to say, 8 students or two-thirds of the number up to a maximum of 18 on the roll for a class in its first year, 8 students or half the number up to a maximum of 18 on

the roll for a class in its second year, and 6 students or one-third of the number up to a maximum of 18 on the roll for a class in its third or later year. In a class on the shift system instead of the above figures 8, 18 and 6 there will be substituted the figures 16, 36 and 12 respectively."

- (b) In Article 14 (f), the following provision—

"The minimum standard will be two-thirds of the number up to a maximum of 18 (or for a class on the shift system 36) students on the roll."

- (c) In Article 16 (e), the following provision—

"The minimum standard for full grant will be 8 students or two-thirds of the number up to a maximum of 18 on the roll, whichever is the higher. In a Class on the shift system instead of the above figures 8 and 18 there will be substituted the figures 16 and 36 respectively."

- (d) In Article 17 (e), the following provision—

"The minimum standard for full grant will be 8 students so far as students on the roll are concerned, but the grant in respect of any meeting as ascertained under Article 10 will be wholly withheld or reduced to such extent as the Board think fit if during the lecture period there are less than 32 attendances in all."

- (e) In Article 22 (c), the following provision—

"The minimum standard for full grant will be 8 students, or in a Course on the shift system 16 students."

- (f) In Article 22 (f), the following provision—

"may reduce the minimum standard for full grant to 6 students."

- (g) In Article 23 (e), the following provision—

"The minimum standard for full grant will be 8 students or two-thirds of the number up to a maximum of 18 on the roll, whichever is the higher. In a Course on the shift system instead of the above figures 8 and 18 there will be substituted the figures 16 and 36 respectively." [329]

7. The following sentence is substituted for the last sentence of Article 16 (f):—

"For the purpose of computing the number of classes under this paragraph, a class on the shift system will be regarded as two classes or where the Board have modified the special provisions for that class under Article 8 (k), as one and a half classes, and classes aided by an inclusive grant under Article 11 will be disregarded." [330]

8. In Article 18 of the existing Regulations, the following paragraphs shall be substituted for paragraphs (c) and (e):—

"(c) Not less than 60 students must enter for the Course, and no student shall be counted as having entered for the Course if he does not attend the first or second meeting."

"(e) The maximum grant payable under Article 10 will be at the rate of 37s. 6d. per meeting. No meeting attended during the lecture period by less than 40 students who have entered for the Course, and during the whole period by less than 20 such students, will qualify for grant unless the Board consider that the circumstances of the case justify the payment of full grant or part thereof." [331]

9. In addition to the Courses and Classes for which the existing Regulations provide, other similar educational activities may be approved by the

Board notwithstanding that they do not comply with the requirements of those Regulations. In such cases the grant payable will not exceed half the approved net expenditure or three-quarters of the tutor's fee, as the Board may determine. The total of the grant so payable will not exceed one-quarter of the total of the grants paid under the existing Regulations for the school year beginning on the 1st day of August 1938." [332]

10. These Regulations shall have effect only with respect to Courses of study carried on wholly within the school year beginning on the 1st day of August, 1940, or treated under Article 9 of the existing Regulations as belonging to that year. [333]

11. These Regulations may be cited as the Adult Education Amending Regulations No. 2, 1941. [334]

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THE STATE SCHOLARSHIPS AMENDING REGULATIONS NO. 1, 1941

February 1, 1941

1. The existing Regulations hereby amended are the State Scholarships Regulations, 1939. [335]

2. In Article 1 of the existing Regulations the following definition of University is substituted for the definition therein :—

“ ‘ University ’ means a University in England or Wales or, if the Board determine that the special circumstances of the case so require, in Scotland.” [336]

3. In Article 3 (c) the following words are substituted for the words “ circumstances arising out of war conditions ” :—

“ the special circumstances of the case ”. [337]

4. If any question arises as to the interpretation of these Regulations the decision of the Board shall be final. [338]

5. These Regulations may be cited as the State Scholarships Amending Regulations No. 1, 1941. [339]

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THE SECONDARY SCHOOLS PROVISIONAL AMENDING REGULATIONS, 1941

P. R. & O., 1941

December 11, 1941

The Board of Education hereby certify under Section 2 of the Rules Publication Act, 1893, that on account of urgency the following Regulations should come into immediate operation, and accordingly they hereby make the following Regulations to come into operation forthwith as Provisional Regulations :—

1. The existing Regulations hereby amended are the Regulations for Secondary Schools, 1935, as amended by the Secondary Schools Amending Regulations No. 1, 1936, and No. 2, 1938. [340]

2. Where the Board of Education are satisfied that, in consequence of a decline in the number of its pupils, or of an evacuation plan, or of other circumstances arising out of the present War, a School receiving direct grant is unable to meet reasonable expenses of maintenance, the Board may pay to the School for the present school year, beginning on the 1st August, 1941, such additional grant (if any) as they think necessary for safeguarding the financial position of the School. Such additional grant will not, save in exceptional circumstances, exceed £700. [341]

3. If any question arises as to the interpretation of these Regulations, or as to whether any of the requirements thereof are fulfilled, or as to the amount of any grant payable thereunder, the decision of the Board shall be final. [342]

4. These Regulations may be cited as the Secondary Schools Provisional Amending Regulations, 1941. [343]

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THE ELEMENTARY EDUCATION GRANT SECOND PROVISIONAL AMENDING REGULATIONS, 1941

P. R. & O., 1941

December 18, 1941

The Board of Education hereby certify under Section 2 of the Rules Publication Act, 1893, that on account of urgency the following Regulations should come into immediate operation, and accordingly they hereby make the following Regulations to come into operation forthwith as Provisional Regulations :—

1. The existing Regulations hereby amended are the Elementary Education Grant Regulations, 1940, as amended by the Elementary Education Grant Amending Regulations No. 1, 1940, and by the Elementary Education Grant Provisional Amending Regulations, 1941. [344]

2. Whereas it is expedient in respect of the provision of meals by Local Education Authorities for Elementary Education, to increase as from the 1st October, 1941, the grant payable to such Authorities under the existing Regulations :

The following provisions are substituted for provisoes (c) and (d) of Article 2 :—

“(c) In respect of any recognised net expenditure on provision of meals under Sections 82 to 84 of the Act—

(A) for the period commencing with the 1st day of July, 1940, and ending with the 30th day of September, 1941, if the standard percentage is less than thirty, fifty per cent. shall be substituted for the standard percentage, or if the standard percentage is not less than thirty, twenty shall be added to the standard percentage :

(B) for any period subsequent to the 30th day of September, 1941 :—

- (i) in respect of net expenditure on the provision of milk, one hundred per cent. shall be substituted for the standard percentage ; and
- (ii) in respect of other net expenditure, if the standard percentage is less than forty, seventy per cent. shall be substituted for the standard percentage, or, if the standard percentage is not less than forty, thirty shall be added to the standard percentage provided that the grant payable shall not exceed ninety-five per cent. of the net expenditure.” [345]

3. If any question arises as to the interpretation of these Regulations, or as to whether any of the requirements thereof are fulfilled, or as to the amount of any grant payable thereunder, the decision of the Board shall be final. [346]

4. These Regulations may be cited as the Elementary Education Grant Second Provisional Amending Regulations, 1941. [347]

* * * * *

CASES

Education — Schoolmaster — Negligence — Provision of supervision — Boys helping on Farm—Injury to Boy's Eye.

On their half-holiday a number of boys from a school were allowed by the headmaster to help a farmer by working in a field. As a result of horseplay among some of the boys, the infant plaintiff was struck on the forehead by a clod of earth, and one of his eyes was so badly injured that it had to be removed. In an action for damages for negligence against the headmaster, it was contended that he was under a duty to arrange for the supervision of the boys while they were doing the work :—

Held : in the circumstances of this case, the headmaster owed no duty to the infant plaintiff or his father to provide for the supervision of the boys.

CAMKIN v. BISHOP, [1941] 2 All E. R. 713 ; 165 L. T. 246, C. A. [348]

ELECTIONS

STATUTES :

Local Elections and Register of Electors (Temporary Provisions) Act, 1941

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STATUTES

THE LOCAL ELECTIONS AND REGISTER OF ELECTORS
(TEMPORARY PROVISIONS) ACT, 1941

(4 & 5 Geo. 6, c. 49)

PRELIMINARY NOTE

The Local Elections and Register of Electors (Temporary Provisions) Act, 1939 (32 Statutes 1230), postponing elections to local authorities and the preparation of registers of electors, was originally enacted to expire on December 31, 1940. By the Local Elections and Register of Electors (Temporary Provisions) Act, 1940 (33 Statutes 105), the Act of 1939 was amended and extended until December 31, 1941. The Act of 1939, as so amended, is now further amended by the Local Elections and Register of Electors (Temporary Provisions) Act, 1941, and its duration is extended until December 31, 1942.

The amendments effected by the Act of 1941 relate to the City of London and to Scotland. In the city the qualification of actual occupation of premises in the city, in order to permit candidature for the common council or voting at an election of aldermen or common councilmen, is removed in view of the widespread destruction in air-raids; and the present list of those qualified to vote at such elections is to remain in force.

An Act to continue in force the Local Elections and Register of Electors (Temporary Provisions) Act, 1939, as amended by the Local Elections and Register of Electors (Temporary Provisions) Act, 1940, and to make certain amendments of those Acts, including amendments modifying the qualifications of common councilmen of the City of London and the persons entitled to vote at elections of aldermen and common councilmen in the said City and postponing the preparation of ward lists in the said City. [349]

[11th November 1941.]

1. Continuance with amendment of 2 & 3 Geo. 6, c. 115.—The Local Elections and Register of Electors (Temporary Provisions) Act, 1939, as amended by the Local Elections and Register of Electors (Temporary Provisions) Act, 1940, shall have effect subject to the amendments set out in the Schedule to this Act, and, as so amended, shall continue in force until the thirty-first day of December, nineteen hundred and forty-two, and no longer, unless Parliament otherwise determines. [350]

For the Local Elections and Register of Electors (Temporary Provisions) Act, 1939, see 32 Statutes 1230. For the Local Elections and Register of Electors (Temporary Provisions) Act, 1940, see 33 Statutes 105.

As to the amendments effected by the present section, see the Schedule and the notes thereto, *post*.

2. Short title.—This Act may be cited as the Local Elections and Register of Electors (Temporary Provisions) Act, 1941. [351]

SCHEDULE

Such of the provisions of the Local Elections and Register of Electors (Temporary Provisions) Act, 1939, as amended by the Local Elections and Register of Electors (Temporary Provisions) Act, 1940, as are specified in the first column of this Schedule shall have effect subject to the amendments specified in the second column of this Schedule.

Section four - - At the end of the section there shall be inserted the following subsections—

“(2) Notwithstanding anything in section one of this Act, section five of the local Act 12 & 13 Vict. cap. xciv, in so far as it requires, as a qualification for election as a common councilman for any ward in the City of London, the occupation of premises in the said ward rated at the amount specified in the said section, shall not apply to any election taking place while this Act is in force or before the fifteenth day of October next following the expiry of this Act.

(3) Section two of the City of London Municipal Elections Amendment Act, 1867, in so far as it requires, as a qualification for voting at an election for an alderman or common councilman for any ward in the City of London, the occupation of premises in the said ward rated at the amount specified in the said section, shall not apply to any such election taking place while this Act is in force or before the third day of December next following the expiry of this Act.

(4) The lists of persons in the several wards of the City of London who are entitled to vote under the City of London Municipal Elections Amendment Act, 1867, being the lists made out and signed on the third day of December, nineteen hundred and forty, in accordance with section five of the said Act, shall remain in force until the third day of December next following the expiry of this Act; and no further lists shall be made out under the said section five while this Act is in force.”

Section eight - [Scotland]. [352]

The three new subsections added to s. 4 of the Act of 1939 are concerned with the election of aldermen and common councilmen in the City of London.

By the combined effect of s. 4, as originally enacted (which must now in view of the added subsections be cited as s. 4 (1)), and s. 1 of the Act of 1939, elections to the Common Council are not to be held while the Act is in force, and casual vacancies are to be filled by the Council. By the proviso to s. 1, which deals with the filling of such vacancies, persons elected to fill them must possess the usual qualifications for such office. The new subsection (2) suspends one of such qualifications for election as common councilman, *i.e.* occupation of premises, in the ward to be represented, of a specified value. This qualification is suspended in view of the destruction of property in the city by enemy action, disqualifying many who would otherwise be eligible for election. Observe that this suspension applies to elections held before October 15 next following the expiry of the Act.

In the country generally aldermen are elected by the borough council, and while aldermen are continued in office by s. 1 of the Act of 1939, casual vacancies are to be filled in the usual manner. In the case of the City of London, however, aldermen are elected by the general body of electors, not by the common council (corresponding to the borough council); and the qualifications of voter are alike for voting at elections of aldermen and of common councilmen. Since the office of alderman in the city is held for life there can be no vacancy “by the effluxion of time”, and any vacancies which may occur will therefore fall within the proviso to s. 1 of the Act of 1939, and elections to fill such vacancies will, in accordance with para. (a) of that proviso be held “in like manner as if this Act had not been passed”, *i.e.* by election by the general body of electors.

The new subsection (3) does not prevent the holding of such elections, which remain the only local elections by the general body of electors in the country at the present time. It merely removes one qualification for voting at such elections, namely the occupation of premises, in the ward to be represented, of a specified value, for the same reason as that qualification is removed as regards holding office as common councilman. The suspension applies to elections held before December 3 next following the expiry of the Act. The suspension is worded to apply to voters on elections of aldermen and common councilmen; in fact no elections for the second named can be held, see above, while the Act of 1939 is in force, but they could conceivably be held after its expiry but before the following December 3.

The new subsection (4) makes in regard to the special voters list in the City of London provision similar to that made in regard to the country generally by s. 2 of the Act of 1939. The current voters list is to remain in force until December 3 next following the expiry of the Act of 1939.

ELECTRICITY COMMISSIONERS

See ELECTRICITY SUPPLY.

ELECTRICITY SUPPLY

See also FINANCE.

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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL ADDING REGULATION 58C TO, AND AMENDING REGULATION 56 OF, THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1403

September 11, 1914

* * * * *

1. After Regulation fifty-eight B of the Defence (General) Regulations, 1939, there shall be inserted the following Regulation :—

“58c.—(1) There shall be transferred to the Board of Trade all functions of the Minister of War Transport in relation to electricity undertakings and the supply of electricity, including functions relating to the Electricity Commissioners.

(2) In any Act of Parliament except the Ministers of the Crown Act, 1937, and in any Order in Council, order, rule, regulation, byelaw, scheme, deed, contract or other document, passed or made before the coming into operation of this Regulation, any reference which by Article 3 of the Ministers of the Crown (Minister of War Transport) Order, 1941, is directed to be construed as a reference to the Minister or Ministry of War Transport shall, so far only as may be necessary for the purpose or in consequence of the transfer of functions effected by this Regulation, be construed as a reference to the Board of Trade.

(3) Anything which has been commenced before the coming into operation of this Regulation by or under the authority of the Minister of War Transport may, so far as it relates to any functions transferred by this Regulation, be carried on and completed by or under the authority of the Board of Trade.

(4) Where at the coming into operation of this Regulation any legal proceeding to which the Minister of War Transport is a party is pending in relation to any of the functions transferred by this Regulation, the Board of Trade shall be substituted in that proceeding for the Minister of War Transport, and no such proceeding shall abate by reason of that substitution.”

[353]

2. In sub-paragraph (a) of paragraph (4) of Regulation fifty-six of the said Regulations the words "any undertaking for the supply of electricity, or" shall be omitted. [354]

3. Any order, regulation, rule, appointment, direction, instruction, approval, requirement, or authorisation, made or given, or other thing done, before the coming into operation of this Order in exercise of functions thereby transferred to the Board of Trade shall, if in force at the coming into operation thereof, continue in force to the like extent and subject to the like provisions as if it had been duly made, given, or done, by the Board of Trade. [355]

* * * * *

THE DEFENCE (FUNCTIONS OF MINISTERS) REGULATIONS, 1941

S. R. & O., 1941, No. 2057

December 18, 1941

At the Court at Windsor Castle, the 18th day of December, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered that Regulations fifty-eight B, fifty-eight C and sixty-seven A of the Defence (General) Regulations, 1939, shall, without prejudice to their continuance in force, cease to form part of the Defence (General) Regulations, 1939, and shall have effect as embodied with minor modifications in the new Regulations contained in the following provisions of this Order, and references in any document made before the coming into operation of this Order to the said Regulations fifty-eight B, fifty-eight C or sixty-seven A shall be construed as references to the corresponding provisions of the said new Regulations, and accordingly it is hereby ordered as follows :—

1.—(1) These Regulations may be cited as the Defence (Functions of Ministers) Regulations, 1941.

(2) The Interpretation Act, 1889, applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(3) The Schedule to these Regulations shall apply in relation to any functions transferred by these Regulations. [356]

2.—(1) There shall be transferred to the Minister of Labour and National Service all the functions of the Secretary of State under the following enactments, that is to say, the Factories Act, 1937, any enactment which is to be construed as one with that Act or to have effect as if it formed part of or were incorporated in that Act, and section three of the Hours of Employment (Convention) Act, 1936.

(2) For the purposes of the Schedule to these Regulations, the date of the transfer effected by this Regulation shall be taken to be the seventh day of June, nineteen hundred and forty. [357]

3.—(1) There shall be transferred to the Board of Trade all the functions of the Minister of War Transport in relation to electricity undertakings and

the supply of electricity, including functions relating to the Electricity Commissioners.

(2) For the purposes of the Schedule to these Regulations, the date of the transfer effected by this Regulation shall be taken to be the eleventh day of September, nineteen hundred and forty-one. [358]

4.—(1) The general duty of promoting the production and supply of timber imposed on the Forestry Commissioners by subsection (1) of section three of the Forestry Act, 1919, shall be discharged by the Minister of Supply instead of by those Commissioners; and so far as may be necessary to enable that Minister to discharge the said duty, any power conferred on those Commissioners by the said Act shall be exercisable by that Minister, without prejudice to his powers under any enactment or under any other Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, as well as by those Commissioners.

(2) For the purposes of the Schedule to these Regulations, the date of the transfer effected by this Regulation shall be taken to be the twenty-fifth day of April, nineteen hundred and forty-one. [359]

* * * * *

SCHEDULE

1. In this Schedule the expressions "the transferor" and "the transferee" respectively mean, in relation to any functions transferred, the Minister of the Crown, government department or other authority from and to whom the functions are transferred.

2. In the construction and for the purposes of any enactment (other than an enactment contained in the Ministers of the Crown Act, 1937), judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document passed or made before the date of the transfer, any reference to, or which is to be construed as a reference to, the transferor shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the transferee.

3. The transfer shall not affect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the transferor before the date of the transfer, but any such matter shall, if in force at that date, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the transferee.

4. Anything commenced before the date of the transfer by or under the authority of the transferor may, so far as it relates to any functions transferred, be carried on or completed by or under the authority of the transferee.

5. Where at the date of the transfer any legal proceeding is pending to which the transferor is a party, and the proceeding has reference to any of the transferred functions, the transferee shall be substituted in the proceeding for the transferor, and the proceeding shall not abate by reason of the substitution. [360]

CASES

Electricity Supply—Powers of Electricity Commissioners—Power Company—Authorisation of Increase of Capital—Right of Electricity Commissioners to Impose Condition—Electricity (Supply) Act, 1919 (c. 100), s. 1—South Wales Electric Power Act, 1932 (c. vii), s. 19.

The South Wales Electric Power Co., finding it necessary to raise further capital, applied to the Electricity Commissioners for a special order under the South Wales Electric Power Act, 1932, s. 19, authorising an increase of capital. The Commissioners replied to this application by asking for an undertaking

that "the promoters would not make any issue of share capital under the powers conferred by the order except by agreement between the promoters and the Electricity Commissioners as to the terms of the issue." The company refused to give the undertaking on the grounds that, by reason of s. 25 of the Act, the directors were responsible for the management of the company, and that the Commissioners were not authorised by the Electricity (Supply) Act, 1919, to make private bargains with power companies :—

Held : the Commissioners were not entitled to ask for the undertaking.—
R. v. ELECTRICITY COMMISSIONERS, *Ex parte* SOUTH WALES ELECTRIC POWER Co., [1941] 2 K. B. 256 ; [1941] 2 All E. R. 686 ; 110 L. J. (K. B.) 583 ; 165 L. T. 140 ; 105 J. P. 304 ; 57 T. L. R. 544 ; 85 Sol. Jo. 298 ; 39 L. G. R. 217, D.C. [361]

ELEMENTARY EDUCATION

See EDUCATION.

EVACUATION AND BILLETING

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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL ADDING REGULATION 32AA . . . TO THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 50

January 15, 1941

At the Court at Buckingham Palace, the 15th day of January, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. After Regulation thirty-two A of the Defence (General) Regulations, 1939 (hereinafter referred to as "the principal Regulations"), there shall be inserted the following Regulation :—

" 32AA.—(1) If the Board of Control on the application of the proprietors of any licensed house certify that it is necessary or expedient by reason of conditions arising out of the war that the premises to which the licence relates shall for the time being not be used for the purposes for which the licence was granted, then, while the certificate is in force, the operation of the licence shall, subject as hereinafter provided, be suspended and the premises shall

not be deemed for the purposes of the Lunacy and Mental Treatment Acts, 1890 to 1930, or of any rules or regulations made thereunder to be a licensed house during the period of the suspension.

Any certificate given under this paragraph may be revoked at any time by the Board of Control.

(2) Where a certificate under paragraph (1) of this Regulation is in force in relation to any premises, the Board of Control may on the application of the proprietors (whether made before or after the granting of the certificate) direct that the licence shall become operative and have effect as if it had been granted in respect of such other premises as the Board may specify and, in a case where those premises are not within the immediate jurisdiction of the Board, as if they were within that jurisdiction :

Provided that in the last-mentioned case the premises shall, for the purposes of such of the provisions of the Lunacy and Mental Treatment Acts, 1890 to 1930, and of any rules or regulations made thereunder as relate to visitation and the functions of visitors of licensed houses be deemed to be within the jurisdiction of the justices for the county or quarter sessions borough where the premises are.

(3) Any direction given under the last foregoing paragraph may be revoked at any time by the Board of Control, without prejudice to the giving of a new direction, and on such revocation the operation of the licence shall, unless a new direction immediately takes effect, again be suspended ; and if the licence, or the certificate granted in relation thereto under paragraph (1) of this Regulation, is revoked, any such direction shall cease to have effect.

(4) Where by virtue of a direction given under paragraph (2) of this Regulation, visitors appointed by the justices of any county or quarter sessions borough have carried out visiting duties in relation to any premises, the Board of Control shall, on the next renewal of the licence or, if it is revoked before the next renewal, on the revocation, pay into the county or borough fund—

(a) in a case where visitors appointed by the justices have carried out those duties during the whole of the period since the licence was last renewed, a sum equal to the whole of the charge paid on the last renewal ;

(b) in a case where those visitors have carried out their duties for a part of that period a proportionate part of that sum,

and if the licence was last renewed by an authority other than the Board, the Board shall be entitled to recover the like sum or, as the case may be, a proportionate part from the county or borough fund into which the charge was paid.

(5) Where, on the granting of a certificate under paragraph (1) of this Regulation, any persons are by virtue of section fifty-five of the Lunacy Act, 1890, or by virtue of that section as applied by the Mental Treatment Rules, 1939, absent from the licensed house, they shall, notwithstanding the granting of the certificate, continue to be subject to the operation of the reception orders, or as the case may be, the authorities under section five of the Mental Treatment Act, 1930, by virtue of which they were detained before they were absent as aforesaid, and they shall be deemed to be absent under the said section fifty-five, or under that section as applied as aforesaid, from such other institution within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930 (either as originally enacted or as extended by paragraph (2) of this Regulation) as the Board of Control may direct.

(6) Where a direction is given under paragraph (2) of this Regulation any patients who would but for the disuse of the premises to which the

licence originally related, or to which a previous such direction related, have been liable to be received or detained in those premises may be received or detained in the premises to which the direction or, as the case may be, the new direction relates, as if any references in any reception order or other document were references to the last-named premises.

(7) On the revocation of the certificate suspending the operation of the licence as respects the premises to which it originally related, any persons who but for the revocation would have been liable to be received or detained in premises to which a direction given under paragraph (2) of this Regulation relates may be received or detained in the original premises as if references in any reception order or other document to the premises to which the direction relates were references to the original premises.

(8) For the purposes of paragraph (4) of this Regulation, and for the purposes of calculating the date on which a licence which has been suspended under this Regulation is required to be renewed, any period or periods of suspension since the date of the last renewal shall be disregarded, and for the purposes of the requirement imposed by subsection (1) of section two hundred and seven of the Lunacy Act, 1890, that the house should have been in all respects well conducted by the licensee, any period during which the licence has not been in force in relation to the premises in question shall be disregarded.

(9) If the Board of Control certify as respects any licensed house that it is necessary or expedient by reason of conditions arising out of the war that the number of patients authorised to be received in the premises shall be reduced to such a number as may be specified in the certificate, then, while the certificate is in force, the licence shall only have effect so as to authorise the reception of patients up to the number so specified, and as to the remainder of the number originally authorised shall be suspended; and the Board of Control may by order apply paragraphs (2) to (8) of this Regulation, subject to such adaptations, modifications and exceptions as may be necessary, so as to enable alternative premises to be used during the period of suspension for the reception of patients not exceeding in number the remainder of the number originally authorised by the licence.

Any certificate given under this paragraph may be revoked at any time by the Board of Control." [362]

* * * * *

ORDER IN COUNCIL . . . AMENDING REGULATION . . . 22 . . . OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1038

July 18, 1941

* * * * *

2. Paragraph (10) of Regulation twenty-two of the principal Regulations shall cease to have effect, and paragraph (9A) of that Regulation shall be re-numbered as paragraph (10). [363]

* * * * *

MINISTRY OF HEALTH CIRCULAR

Circular 2500

October 9, 1941

GOVERNMENT EVACUATION SCHEME. PROSECUTIONS FOR BILLETING OFFENCES

SIR,—I am directed by the Minister of Health to refer to the recent amendment to Regulation 22 and the Third Schedule to the Defence (General) Regulations, 1939, relating to prosecutions for billeting offences. Hitherto proceedings could only be taken under Regulation 93 by the police or by, or with the consent of the Director of Public Prosecutions. The effect of the amendment, the text of which is given below, is to empower local authorities (other than County Councils) equally with the police to initiate proceedings without the necessity for obtaining the consent of the Director of Public Prosecutions.

* * * * *

S. R. & O., 1941, No. 1407

September 11, 1941

“7. At the beginning of the Third Schedule to the principal Regulations there shall be inserted the following entry :—

‘Regulation 22. In the case of proceedings in England or Northern Ireland, by or on behalf of the Minister of Health or by the Secretary of State, as the case may be, or by or on behalf of a local authority (other than a county council) in a case where the proceedings are against any person as the occupier of premises situated in the area of that authority.’ [364]

MINISTRY OF HEALTH CIRCULAR

Circular 2304

March 6, 1941

SIR,—I am directed by the Minister of Health to state that it has been represented to him that difficulty has been caused owing to the lack of any power to County Councils to requisition premises required for the various purposes dealt with in circulars issued by the Department in connection with the reception and welfare of persons evacuated under the Government Evacuation Scheme and of homeless persons accommodated in the County.

The Minister has therefore decided further to extend the powers delegated to the Clerk of the Council by paragraph 2 of Circular 1949 of the 18th January, 1940, and Circular 2074 of the 29th June 1940, and accordingly in the exercise of his power under paragraph (5) of Regulation 51 of the Defence (General) Regulations he hereby extends the powers already delegated to you to cover taking possession of premises for the purposes of the performance by the County Council of any of the duties under the circulars referred to in the first paragraph of this letter in connection with the reception and welfare of evacuated and homeless persons which are either assigned to the County Council or undertaken by the County Council by arrangement with a District Council to whom they are assigned.

The exercise of the powers now delegated is subject to the conditions laid down in the enclosure to Circular 1949 except that paragraph 3 (ii) of the enclosure is not applicable.

It will be appreciated that it will be essential for close contact to be maintained between County Councils and the Councils of the Districts within the County who also have power to requisition premises, in order to avoid overlapping. [365]

* * * * *

FINANCE

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STATUTES

THE LOCAL GOVERNMENT (FINANCIAL PROVISIONS) ACT, 1941

(4 & 5 Geo. 6, c. 33)

PRELIMINARY NOTE

The Local Government Act, 1929, s. 86 (10 Statutes 938) provided for annual General Exchequer Contributions towards the expenses of local authorities in counties and county boroughs.

Such payments fall to be made during three fixed grant periods. Provision was made for revision of the amounts during the second and third periods. The first period extended from 1930 until 1933, the second period extended from 1933 to 1937, and the third period from April 1, 1937, until March 31, 1942.

The purpose of this Act is to extend the third fixed grant period which normally would have terminated on March 31, 1942. The extension is to operate until such date after the expiration of the Emergency Powers (Defence) Act, 1939, as Parliament may determine.

The Act is necessary in order to avoid the recalculation at the present time of the block grant for a new five-year period. This would now be difficult in view of factors particularly susceptible to variation in wartime involved in such a calculation.

Abnormal circumstances created by the war have undoubtedly caused hardship to many local authorities. Apart from this, the view has been held in some quarters that, in any event, the block grant formula should be revised. War conditions, however, do not provide a sufficiently stable basis for such revision and the effect of this enactment is simply to continue the previous arrangement indefinitely.

Certain schemes relating to health services which provided for financial apportionments in respect of the fifth year of the third fixed grant period, are extended in accordance with the purpose of the Act.

An Act to extend the third fixed grant period under the Local Government Act, 1929, and to make provision for the stabilisation of Supplementary Exchequer Grants, and the continuance of schemes as to health services, during the term of such extension; and for purposes connected with the matters aforesaid.

[366]

[22nd July 1941.]

1.—Extension of third fixed grant period.—The third fixed grant period, that is to say, the period for which the amount of the General Exchequer Contribution to be paid under section eighty-six of the Local Government Act, 1929 (in this Act referred to as “the principal Act”), was fixed by the Local Government (Financial Provisions) Act, 1937, shall be extended so as to continue until such date after the expiry of the Emergency Powers (Defence) Act, 1939, as Parliament may hereinafter determine, and references to the third or any subsequent fixed grant period, whether express or implied, in the principal Act, in the said Act of 1937, in any other enactment, and in any order, regulations, scheme or other instrument made under any enactment, including (unless the contrary intention appears therein) an enactment or instrument passed or made after the date of the passing of this Act, shall be construed accordingly. [367]

The duration of the third fixed grant period was laid down by s. 86 of the Local Government Act, 1929 (10 Statutes 938). The amount of the General Exchequer Contribution to be paid during the third fixed grant period was determined by s. 1 of the Local Government (Financial Provisions) Act, 1937 (30 Statutes 377).

The General Exchequer Contribution is defined by the Local Government Act, 1929, s. 86 (10 Statutes 938) as “an annual contribution towards local government expenses in counties and county boroughs”.

2. Stabilisation of Supplementary Exchequer Grants for term of extension.

—For the sixth and each succeeding year of the third fixed grant period—

- (a) the amount to be added under paragraph (b) of subsection (1) of section ninety-four of the principal Act in respect of any separately rated area in a county district to the sum which apart from that section would be payable as the General Exchequer Grant of the council of that district.
- (b) the amount to be paid under paragraph (b) of subsection (1) of section ninety-seven of the principal Act to the council of a county borough, and
- (c) the amount to be credited under paragraph (b) of subsection (1) of section one hundred of the principal Act to a separately rated area in the county of London,

shall, notwithstanding the provisions of those paragraphs respectively as to the annual reduction of such amounts and notwithstanding the provisions of section six of the Local Government (Financial Provisions) Act, 1937, be the same as that which fell to be added as aforesaid in respect of the fifth year of that period, or to be paid for that year, or to be credited in that year, as the case may be :

Provided that this section shall have effect subject to the provisions of section one hundred and four of the principal Act (which confers on the Minister a power to reduce grants in the circumstances therein mentioned). [368]

3. Continuance for term of extension of schemes as to health services.—

(1) Any scheme whereby provision was made in relation to the fifth year of the third fixed grant period—

- (a) under section ninety-three of the principal Act, for increasing the sum to be set aside out of a county apportionment in respect of a district the council of which had established a maternity and child welfare committee, or
- (b) under section one hundred and one or section one hundred and two of the principal Act, for the payment of contributions to voluntary associations or to the King Edward the Seventh Welsh National Memorial Association in respect of maternity and child welfare or other health services.

shall (subject to the powers of alteration and revocation conferred by subsection (2) of section one hundred and thirty-one, and subsection (5) of section one hundred and one, of the principal Act) have effect in all respects as if the scheme had extended to the sixth and each subsequent year of the said period and had made in relation to each of those years the same provision as in relation to the fifth year of the said period, or, where the scheme made different provision in relation to different parts of that year, as in relation to the last part thereof. [369]

(2) In the case of a scheme which had effect in relation to the fifth year or, as the case may be, the last part of the fifth year of the said period subject to alterations, the reference in subsection (1) of this section to the provision thereby made in relation to that year or, as the case may be, the last part of it shall be construed as a reference to the provision made in relation to that year or part of that year by the scheme as altered. [370]

4. Short title, construction and citation.—(1) This Act may be cited as the Local Government (Financial Provisions) Act, 1941, and shall be construed as one with Part VI of the principal Act, and this Act and the Local Government Acts, 1929 and 1937, may be cited together as the Local Government Acts, 1929 to 1941. [371]

(2) References in this Act to any enactment or any provision of any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment including this Act. [372]

THE PUBLIC WORKS LOANS ACT, 1941

(4 & 5 Geo. 5, c. 14)

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans. [373]
[10th April 1941.]

1. Appointment of Public Works Loan Commissioners for five years.—Whereas the term of office of persons who are, at the passing of this Act, Public Works Loan Commissioners under the Public Works Loans Act, 1875, will expire at the end of a period of five years from the first day of April nineteen hundred and thirty-six, and it is expedient to appoint Commissioners for a further period of five years :—

Therefore, the following persons (that is to say) :—

Albert Charles Gladstone, Esq.,
Reginald Abel Smith, Esq.,
The Right Honourable Lord Clwyd,
Alfred Mildmay, Esq.,
The Honourable Sir William Henry Goschen, K.B.E.,
Granville Edward Bromley Bromley-Martin, Esq.,
Edward Clifton-Brown, Esq.,
William Baker Neville, Esq.,
Charles Latham, Esq., J.P.,
Harrison Barrow, Esq.,
The Honourable Francis James Rennell Rodd,
Bertram Francis George Currie, Esq.,
The Right Honourable Lord Aldenham,
Francis Campbell Ross Douglas, Esq., M.P.,
Henry Cecil Roxburgh Williamson, Esq.,
Frederick George Bloxham, Esq.,

shall after the passing of this Act be Public Works Loan Commissioners under the said Act and shall hold office until the expiration of five years from the first day of April nineteen hundred and forty-one. [374]

The Public Works Loan Commissioners were established by s. 4 of the Public Works Loans Act, 1875 (12 Statutes 255). The last appointment was made by s. 1 of the Public Works Loans Act, 1935 (28 Statutes 167).

2. Grants for public works.—(1) There may be issued by the National Debt Commissioners for the purpose of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of five million pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887. [375]

For the National Debt and Local Loans Act, 1887, see 12 Statutes 282.

3. Certain debts not to be reckoned as assets of the Local Loans Fund.—Whereas it is expedient that the principal of the several local loans specified in the tables contained in Part I and Part II of the Schedule to this Act should, to the extent specified in the last column of those tables, not be reckoned as assets of the Local Loans Fund established under the National Debt and Local Loans Act, 1887 :

Now, therefore, the principal of the said loans to the extent aforesaid shall be written off from the assets of the Local Loans Fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto. [376]

As to the local loans fund established under the National Debt and Local Loans Act, 1887, see s. 7 of that Act, 12 Statutes 283. For s. 15 see *ibid.* 287.

4. Remission of arrears of principal and interest in respect of Eyemouth Harbour Board.—Whereas in pursuance of an agreement made in the year eighteen hundred and ninety-two the sum of ten thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth Harbour Trustees on the security of the harbour revenues with the collateral security of the Fishery Board for Scotland ;

And whereas by an arrangement confirmed by section three of the Public Works Loan Act, 1901, the liability of the Eyemouth Harbour Trustees in respect of the said loan was extinguished without prejudice to the liability of the Fishery Board for Scotland to repay the said loan, and, in consequence thereof, the said collateral security is the sole security for the repayment of the said loan :

And whereas the terms of the said collateral security are embodied in a memorandum of agreement between the Secretary for Scotland and the Public Works Loan Commissioners, dated the eleventh day of March eighteen hundred and ninety-two, whereby a portion of the surplus herring brand fees, as defined in clause three of the said memorandum, was pledged in security for the repayment of the said loan with interest by the instalments and at the times mentioned in the security given by the Eyemouth Harbour Trustees for the said loan, and it was provided that the said portion of the surplus herring brand fees of any one year should only be applicable to the repayment of the one-fiftieth part of principal and interest on outstanding principal falling due under the security for the said loan in the same year, and should not be applicable to the repayment of arrears of principal :

And whereas the said portion of the surplus herring brand fees so pledged as aforesaid was during the years ending the thirty-first day of March nineteen hundred and thirty-nine and the thirty-first day of March nineteen

hundred and forty respectively insufficient to discharge in full the instalments of principal with interest which fell due under the security for the said loan in those years and the principal sum of four hundred pounds with interest amounting to forty-nine pounds four shillings now remains unpaid, and under the terms of the said memorandum of agreement is irrecoverable :

Now, therefore, the said principal sum of four hundred pounds shall be extinguished, and the said arrears of interest amounting to forty-nine pounds four shillings shall be remitted. [377]

5. Power to facilitate conversion of local government securities.—(1) Where a local authority or a harbour authority, with the approval of the Treasury, exercises an option to redeem any securities and offers new securities in exchange for the securities to be redeemed, the Treasury may advance to the authority, on such terms as they think fit, any moneys required for the redemption of securities in respect of which the said offer is not accepted. [378]

(2) Any moneys advanced under the foregoing subsection shall be deemed to be a local loan within the meaning of the National Debt and Local Loans Act, 1887, and that Act shall apply accordingly. [379]

(3) Any securities issued to the Treasury by a local or harbour authority in respect of an advance made to the authority under this section shall be carried to the capital account of the local loans fund and shall be treated as if they had been purchased by the National Debt Commissioners in pursuance of the powers of investment conferred by subsection (2) of section thirteen of the said Act. [380]

(4) In this section—

(a) the expression “harbour authority” means a harbour authority within the meaning of the Merchant Shipping Act, 1894 ;

(b) the expression “local authority” means any of the following authorities, namely, the Common Council of the City of London, a local authority within the meaning of the Local Government Act, 1933, or the Local Authorities Loans (Scotland) Act, 1891, or a board or other authority to which the provisions of Part IX of the Local Government Act, 1933, are applied by any enactment (including a local Act) as if it were a local authority within the meaning of that Act ;

(c) the expression “securities” means debentures or annuity certificates issued under the Local Loans Act, 1875, as amended by any subsequent enactment or stock. [381]

(5) No sums shall be advanced by the Treasury under this section after the expiration of the Emergency Powers (Defence) Act, 1939. [382]

6. Short title.—This Act may be cited as the Public Works Loans Act, 1941. [383]

SCHEDULE

Section 3.

PART I

LOAN BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE HARBOURS AND PASSING TOLLS, ETC., ACT, 1861

Name of borrower.	Amount of loan.	Amount to be written off.
	£	£
Eyemouth Harbour Trustees	10,000	400

PART II

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE AGRICULTURAL CREDITS ACT, 1923

Name of borrower.	Amount of loan.	Amount to be written off.
	£	£ s. d.
Mr. James Calder	705	182 17 8
Mr. Ernest Cloke... ..	11,077	2,350 3 6
Mr. John Jacob Jackson	8,250	4,271 10 1
Mr. Albert Edward Marsh	700	71 0 11
Mr. Walter Atkinson Neave	6,000	1,019 6 2
Mr. Harry James Payne and Miss Florence Louisa Payne	3,206	523 6 7
Mr. William Rafton	4,500	1,689 16 1
Mr. William Rawling and Miss Laura Rawling	8,250	5,478 17 6
Mr. John Edward Robson	2,634	800 10 8
Mr. Frederick Rowell	2,400	2,257 5 1
Messrs. Edward Walls Watson and Albert Watson... ..	2,310	229 11 4

[385]

ORDERS, CIRCULARS AND MEMORANDA

LOCAL LOANS

*S. R. & O., 1941, No. 1802**November 11, 1941*

TREASURY MINUTE, DATED NOVEMBER 11, 1941, FIXING RATES OF INTEREST ON LOCAL LOANS.

My Lords read section 1 of the Public Works Loans Act, 1897 (60 & 61 Vict. c. 51), which empowers the Treasury from time to time to fix the rates of interest at which loans may be made out of the Local Loans Fund on the security of Local rates, and provides that the Treasury, in fixing the rates shall have regard to the duration of the loans, and also that the rates shall be such as, in the opinion of the Treasury, are sufficient to enable the loans to be made without loss to the Fund.

They also read section 4 of the Public Works Loans Act, 1918 (8 & 9 Geo. 5, c. 27), by which it is declared that the power of the Treasury under section 1 of the Public Works Loans Act, 1897, as amended by section 4 of the Public Works Loans Act, 1917 (7 & 8 Geo. 5, c. 32), to fix rates of interest on loans made out of the Local Loans Fund otherwise than on the security of local rates includes (subject always to the provisions of the said sections) a power to fix rates of interest differing from the rates fixed for loans made out of that fund on the security of local rates, and a power to fix different rates of interest in respect of different loans and that in fixing the rate of interest the Treasury may take into account the nature and value of the security for the loan.

They further read section 92 of the Housing Act, 1936 (26 Geo. 5 and 1 Ewd. 8, c. 51), and section 73 of the Housing (Scotland) Act, 1925 (15 & 16 Geo. 5, c. 15), as amended by section 25 and 28 of the Housing (Scotland) Act, 1935 (25 & 26 Geo. 5, c. 41), which provide that loans may be granted

Applicant, as a local government elector, contended that he was entitled to such inspection, on the ground that the repeal of the 1894 Act did not affect the provision of the 1894 Act incorporated in the local Act, which had not been repealed, and that the provisions of s. 283 (4) of the Act of 1933 were now incorporated in the local Act :—

Held : (i) applicant was entitled to the inspection claimed ;

(ii) in the circumstances, whether or not the board was a local authority, the inspection of the accounts of the board was governed by the Act of 1933, which was now the enactment relating to the audit of accounts and the incidental and consequential effects of audit.—*R. v. WEST MONMOUTHSHIRE OMNIBUS BOARD, Ex p. PRICE*, [1938] 1 All E. R. 220 ; 36 L. G. R. 156. [72]

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FIRE PROTECTION

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STATUTES

THE FIRE BRIGADES ACT, 1938

(1 & 2 Geo. 6, c. 72.)

INTRODUCTORY NOTE

THIS Act repeals the rather limited statutory provisions dealing with the establishment of fire brigades by local authorities, provides for the establishment of fire brigades throughout the country on a more uniform

plan, and prescribes in outline the standards of efficiency and organisation which are to be attained. The provision of an efficient fire service is a duty imposed on local authorities. Charges for the services of a fire brigade within the district are abolished, and charges for such services outside the district will become illegal in July, 1940. The Act contains provisions for co-ordinating the fire services of two or more authorities, and extends the use of air-raid equipment to the fire service. A Central Advisory Council for Fire Services is established, and the opportunity has been taken to amend the definition of "professional fireman" in the Fire Brigade Pensions Acts.

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An Act to make further provision for fire services in Great Britain and for purposes connected therewith. [73] [29th July, 1938.]

Fire Authorities.

1. Provision of fire services.—(1) The council of every county borough and of every county district (hereinafter referred to as a "fire authority") shall make provision for the extinction of fires and the protection of life and property in case of fire by securing—

- (a) the services for their borough or district of such a fire brigade and of such fire engines, appliances and equipment as may be necessary to meet efficiently all normal requirements ;
- (b) the efficient training of the members of the fire brigade ;
- (c) efficient arrangements for enabling persons to call the fire brigade in case of fire, for summoning the members of the fire brigade and for manning the fire engines ; and
- (d) efficient arrangements for obtaining, by inspection or otherwise, information required for the purposes of the fire brigade with respect to the character of the buildings and other property in the borough or district, the available water supplies and the means of access thereto, and other material local circumstances,

and the services secured for a borough or district under this subsection are in this Act referred to as "local fire services." [74]

(2) The Secretary of State may by order prescribe standards of efficiency with respect to any of the matters mentioned in the foregoing subsection, and the standards may vary according to the requirements of, and facilities available in, different kinds of locality, and any fire authority whose local fire services are of a standard so prescribed shall, as respects the matter for which the standard is prescribed, be deemed to have complied with the provisions of the foregoing subsection. [75]

(3) A fire authority may secure local fire services for their borough or district by themselves providing and maintaining, either wholly or in part, such fire services or by entering into arrangements for the provision and maintenance, either wholly or in part, of such fire services by other fire authorities or persons. [76]

See note to sub-s. (5), *infra*.

(4) An officer of a fire authority, authorised in writing by the authority, shall, for the purpose of carrying out such arrangements as are mentioned in paragraph (d) of subsection (1) of this section, have the like powers of entering premises as are conferred upon authorised officers of councils by section two hundred and eighty-seven of the Public Health Act, 1936, and accordingly that section shall have effect as if the references to an authorised officer of a council included references to an officer of a fire authority authorised as aforesaid, and as if among the purposes specified in subsection (1) of that section there were included the aforesaid purpose. [77]

For s. 287 of P.H.A. 1936, see 29 Halsbury's Statutes 507. Under that section "authorised officers," on producing documentary evidence of their authority, may enter any premises, at all reasonable hours, for the purposes of the section.

(5) Every fire authority shall, so far as practicable, enter into arrangements with other fire authorities and persons who maintain fire brigades to secure the provision of assistance by those authorities and persons for the purpose of dealing with fires occurring in the borough or district of the first named authority which cannot adequately be dealt with by the local fire services, and the Secretary of State may by order prescribe scales of payments to be made, unless otherwise agreed, by the authority receiving the assistance provided in accordance with such arrangements. [78]

Local authorities have powers to combine for the better exercise of their functions; see P.H.A. 1875, s. 285 (13 Halsbury's Statutes 744), L.G.A. 1894, s. 57 (10 Halsbury's Statutes 813), L.G.A. 1933, ss. 91—94 (26 Halsbury's Statutes 365—7), and P.H.A. 1936, ss. 272, 274 (29 Halsbury's Statutes 498). The powers of this section are an extension of the specific powers of P.H.A.A. 1907, s. 90 (13 Halsbury's Statutes 944), which is repealed by this Act. See s. 9, *post*, as to co-ordination and the powers of the Fire Service Commission.

(6) The powers of a fire authority shall include power—

- (a) to provide accommodation for any fire brigade, fire engines, appliances or equipment serving their borough or district, including housing and other accommodation for members of any such fire brigade and furniture reasonably required for such accommodation;
- (b) to purchase compulsorily by means of an order made by the authority and confirmed by the Minister of Health any land required for the purposes of their functions under this Act;
- (c) to pay to any persons who render services in connection with the extinction of fires and the protection of life and property in case of fire such rewards as they think fit, which in the case of members of a fire brigade may be in addition to their remuneration;
- (d) to employ a fire brigade maintained by them, or use any fire engine, appliance or equipment so maintained, outside their borough or district; and
- (e) to make payments in respect of any fire services provided for their borough or district by another fire authority or by any other person. [79]

(7) Where a fire authority, who are the council of a borough having a separate police force, delegate to the watch committee their functions under this Act, the watch committee may employ the chief officer of police, an assistant chief constable or the deputy chief constable on administrative duties in connection with a fire brigade maintained by

that authority and may employ other constables as members of the brigade :

Provided that, as from the expiration of a period of five years from the passing of this Act, no such other constables shall be employed as part-time members of a fire brigade. [80]

(8) A fire authority may provide and maintain fire alarms in such positions in any street or public place as they think proper, after consultation with the chief officer of police for the police area in which the fire alarms are to be placed, and any such fire alarm may be affixed to any wall or fence adjoining a street or public place :

Provided that—

(a) a fire authority before exercising the powers conferred by this subsection in relation to any trunk road shall consult with the Minister of Transport, and, before exercising those powers in relation to any county road maintained by a county council, shall consult with the county council, and the said powers shall not be so exercised as to obstruct or render less convenient the access to or exit from any station or goods yard belonging to a railway company, or any premises belonging to other statutory undertakers and used for the purposes of their undertaking ;

(b) nothing in this subsection shall affect any privilege conferred on the Postmaster-General by the Telegraph Act, 1869. [81]

This section replaces and extends P.H.A. 1925, ss. 15, 16 (13 Halsbury's Statutes 1119—20).

2. Fire-hydrants and water supply in case of fire.—(1) Every fire authority shall provide and maintain, or cause to be provided and maintained, such fire-hydrants as are necessary for securing the best practicable use of the available supply of water in case of fire, and the situation of every such hydrant shall be plainly indicated by a notice or distinguishing mark which may be placed on any wall or fence adjoining a street or public place. [82]

(2) The provisions of sections thirty-eight, thirty-nine, forty and forty-three of the Waterworks Clauses Act, 1847, (which require undertakers to provide and maintain fire-hydrants) as incorporated with or applied by any enactment, with or without modifications, shall have effect as if for the references to the town commissioners there were substituted references to the fire authority :

Provided that the Minister of Health may by order modify the provisions of the said section thirty-eight, in their application to any rural district, so as to extend the distances at which fire-hydrants are required to be placed under that section. [83]

(3) Where any fire-hydrant which is being maintained at the expense of a fire authority under section forty of the Waterworks Clauses Act, 1847, is damaged as the result of any person using the hydrant (otherwise than for fire brigade purposes) with the authority of the water company or person to whom the hydrant belongs, the fire authority shall not be liable for the cost of repairing or replacing the hydrant incurred as the result of the damage. [84]

(4) Any person who uses a fire-hydrant, otherwise than for the purpose of extinguishing fires or for any fire brigade purpose or any purpose

authorised by the water company or person to whom the fire-hydrant belongs, or damages or obstructs any fire-hydrant, otherwise than in consequence of its use for such a purpose as aforesaid, shall be liable on summary conviction to a fine not exceeding ten pounds. [85]

(5) At least seven days before any fire-hydrant is placed in any street, the fire authority shall give notice in writing to the authority or person by whom the street is maintained, and at least seven days before any works which affect any fire-hydrant are commenced, the authority or person by whom the works are to be executed shall give notice in writing to the fire authority. [86]

(6) A fire authority may enter into agreements with any water company or person for securing the provision for their borough or district of an adequate supply of water in case of fire. [87]

(7) A fire authority may use for the purpose of extinguishing fires any convenient or suitable supply of water, but shall be liable to pay reasonable compensation therefor :

Provided that nothing in this subsection shall affect the duty of undertakers to whom section forty-two of the Waterworks Clauses Act, 1847, applies, to supply water for the said purpose without compensation. [88]

(8) Every council who are a fire authority shall take such steps within the powers of the council as are reasonable and practicable to improve the access to or otherwise to facilitate the use of any water supply (other than a water supply available for use by means of fire hydrants) which may be required for the purpose of extinguishing fires. [89]

Improvement commissioners to whom s. 124 of the Towns Improvement Clauses Act, 1847 (13 Halsbury's Statutes 572), applied were required to provide "fireplugs" and machinery therefor, and to set up marks on buildings to indicate the site of such fireplugs. The section was reproduced in P.H.A. 1875, s. 66 (*ibid.* 653). Both these provisions are repealed by the present Act, being here reproduced in a considerably extended form. Sects. 38, 39, 40, 43 of the Waterworks Clauses Act, 1847 (20 Halsbury's Statutes 200—201), when applicable, require undertakers at the request of the town commissioners (now fire authority) to fix fireplugs in the mains and maintain them in effective order, at the expense of the fire authority. The supply of water is compulsory. All persons have a right to use the water for extinguishing fire without payment under s. 42.

3. Power of fire authority to require proposed water works to be constructed in manner specified by them.—(1) Where a person proposes to carry out any works for the purpose of supplying water to any part of the borough or district of a fire authority, he shall, not less than fourteen days before the works are commenced, give notice in writing thereof to the authority and the authority may, within fourteen days of the receipt of the notice, give a notice in writing to that person requiring him to carry out the works in such a manner as regards material, size and situation of pipes, pressure of water, provision for storage of water and otherwise as may be specified by the authority for the purpose of securing the best practicable supply of water in case of fire, and it shall be his duty to comply with the requirements of the fire authority :

Provided that, if he is aggrieved by the requirements of the authority, he may, within twenty-eight days of the receipt of the notice from the fire authority, appeal to the Minister of Health who may either disallow the requirements or allow them with or without modification. [90]

(2) A fire authority who exercise the powers conferred upon them by this section shall repay to the person carrying out the works the extra expenses reasonably incurred by him in complying with their requirements and shall also from time to time repay to him so much of any expenses reasonably incurred by him in repairing or maintaining the works as may be attributable to their requirements having been made and complied with, and, if any question arises as to the amount of any payment to be made to him under this subsection, that question shall in default of agreement be determined by an arbitrator appointed by the Minister of Health and the decision of the arbitrator shall be final. [91]

(3) If any person who under this section has been required by a fire authority to carry out works in a particular manner carries them out otherwise than in accordance with the requirements of the authority, he shall, without prejudice to the right of the authority to avail themselves of any other remedy, be liable on summary conviction to a fine not exceeding fifty pounds, and the court may, in addition to inflicting a fine, order him within the time specified in the order to take such steps as may be so specified for remedying the matters in respect of which he was convicted, and if he fails to comply with the order he shall be liable on summary conviction to a fine not exceeding five pounds for each day on which the default continues. [92]

4. Expenses of rural district council in connection with fire hydrants and water supply.—The expenses of a rural district council under sections two and three of this Act shall, notwithstanding anything in any enactment or statutory order, be general expenses of the council. [93]

5. No payments to be made by owners and occupiers in respect of certain fire services.—A fire authority shall not be entitled to require the owners or occupiers of property on which fires occur to make any payment in respect of local fire services or any fire services provided in pursuance of arrangements made under subsection (5) of section one of this Act or in pursuance of a scheme made under this Act, and all enactments under which fire authorities may require payments to be made by the owners or occupiers of property on which fires occur in respect of the expenses of a fire brigade in attending the fires shall cease to have effect :

Provided that this section, so far as it relates to the powers of fire authorities under any enactment mentioned in Part II of the Third Schedule to this Act or under any enactment incorporating or applying with or without modifications section thirty-three of the Town Police Clauses Act, 1847, to require payments in respect of the expenses of fire brigades in attending fires outside the borough or district of the authority by whom the brigade is maintained, shall not come into operation until the expiration of a period of two years from the passing of this Act. [94]

6. Cessation of functions and transfer of property of parish authorities.—(1) As from the expiration of a period of six months from the passing of this Act, the functions of parish councils, of parish meetings and of inspectors appointed for the purposes of the Lighting and Watching Act, 1833, (hereinafter referred to as "parish authorities") in connection with the extinction of fires and the protection of life and property in case of fire in any parish, shall cease to be exercisable by them, and

all rights and property vested in, and all liabilities incurred by, any parish authority for the purposes of those functions shall by virtue of this section be transferred to the fire authority for the district in which the parish is situated :

Provided that the Secretary of State may by order postpone the operation of this subsection, in relation to any parish, to such date as may be specified in the order. [95]

For the Lighting and Watching Act, 1833, see 8 Halsbury's Statutes 1186.

(2) A fire authority to whom property, rights and liabilities are transferred from a parish authority under this section shall, if the value of the property and rights is more than sufficient to defray the liabilities, pay to the parish authority such sum as may be agreed upon or, in default of agreement, may be determined by arbitration under this section, and any capital sum so paid shall be treated as capital, and applied with the consent of the Minister of Health and subject to any conditions which he may impose either in the payment of debt or for any other purpose for which capital money may properly be applied :

Provided that any such sum may, with the consent of the parish authority, be held by the fire authority and applied by them, subject to and in accordance with the foregoing provisions with respect to capital sums, for the benefit of the parish. [96]

(3) All deeds, bonds and agreements made or entered into by a parish authority for the purposes of the functions aforesaid shall, so far as they relate to property, rights and liabilities transferred to a fire authority under this section, have effect as from the date of the transference with the substitution of the fire authority for the parish authority and may be enforced by or against the fire authority accordingly ; and all proceedings relating to any such property, rights and liabilities, which are pending at the said date, may be carried on thereafter with the substitution of the fire authority as party to the proceedings in lieu of the parish authority. [97]

(4) Any question as to the property, rights or liabilities transferred to, or as to the compensation to be paid by, a fire authority under this section shall be determined by an arbitrator appointed by the Secretary of State, and the decision of the arbitrator shall be final. [98]

(5) The provisions of this section shall be without prejudice to the provisions of sections eighty-seven and eighty-eight of the Local Government Act, 1933, as to the delegation of the functions of a rural district council to a parochial committee or parish council. [99]

For ss. 87, 88 of L.G.A. 1933, see 26 Halsbury's Statutes 353—4.

7. Provisions for transfer and compensation of employees of parish authorities.—On the date when the functions of any parish authority cease to be exercisable by that authority by virtue of the last foregoing section, any person who was, immediately before that date, employed by a parish authority for the purposes of those functions, shall be employed by the fire authority in whose district the parish is situated on the terms and conditions on which he was so employed immediately before that date, and any of his service in the brigade of the parish authority, which is approved service within the meaning of the Fire Brigade Pensions Act, 1925, shall be reckoned for the purposes of that Act as approved service in the brigade of the fire authority ; and the provisions of subsections (2) (3) and (6) of section one hundred and

fifty of the Local Government Act, 1933, and of the Fourth Schedule to that Act shall apply to persons transferred to employment by a fire authority under this section as they apply to officers transferred under a scheme or order made under the said section one hundred and fifty, with such adaptations as may be made by an order of the Secretary of State. [100]

For the Fire Brigade Pensions Act, 1925, see 13 Halsbury's Statutes 1095 *et seq.* As to "approved service," see ss. 6—9 of that Act (*ibid.* 1097—1099). For s. 150 of L.G.A. 1933, see 26 Halsbury's Statutes 388. The incorporated subsections deal with the rights of transferred officers who are required to undertake more onerous duties or whose appointments are determined.

Co-ordination of fire services.

8. Appointment of Fire Service Commission to report on fire services.

—(1) A Commission shall be constituted under this Act, to be called "the Fire Service Commission," for the purpose of considering the arrangements made by fire authorities for the provision of assistance for the purpose of dealing with fires which cannot adequately be dealt with by the local fire services, and of reviewing generally the fire services provided by fire authorities under this Act, and of reporting to the Secretary of State on the matters aforesaid. [101]

(2) The provisions of the First Schedule to this Act shall have effect with respect to the constitution and proceedings of the Fire Service Commission. [102]

(3) The Fire Service Commission may, for the purposes of the exercise of their functions, hold such local inquiries as they think fit, and subsections (2) and (3) of section two hundred and ninety of the Local Government Act, 1933, shall apply to such inquiries. [103]

For L.G.A. 1933, s. 290 (2), (3), see 26 Halsbury's Statutes 459.

9. Schemes for co-ordination of fire services.—(1) If the Fire Service Commission report, as respects any fire authorities, that adequate arrangements have not been made for the provision of such assistance as aforesaid, they may submit to the Secretary of State a scheme (hereinafter referred to as a "co-ordination scheme") for ensuring the provision by those authorities of such assistance:

Provided that, before submitting any co-ordination scheme to the Secretary of State, the Fire Service Commission shall give an opportunity to all fire authorities affected by the scheme and to any other persons appearing to the Commission to be specially concerned to make representations with respect thereto, and shall submit any such representations together with the scheme. [104]

(2) A co-ordination scheme shall provide for the payments to be made by the fire authorities to whom the scheme applies in respect of assistance provided under the scheme, and, if the Secretary of State has by order prescribed scales for such payments, the scheme shall apply those scales with or without modifications, and the scheme may provide that the payments shall be made out of a common fund to which the fire authorities shall contribute in such proportions as may be specified in the scheme, and may make provision for the management of the fund, the enforcement of contributions thereto, and the auditing of the accounts of the fund by the district auditor. [105]

(3) A co-ordination scheme may contain such provisions requiring uniformity of appliances and equipment as appear to the Fire Service

Commission to be necessary for the purpose of ensuring that the fire brigades affected will be able to render efficient assistance in pursuance of the scheme. [106]

(4) A co-ordination scheme shall come into operation when approved by the Secretary of State, either without modifications or after making such modifications therein as he thinks fit, and when a scheme has been so approved, it shall be the duty of the fire authorities to whom the scheme applies to carry it into effect, and any arrangements made under subsection (5) of section one of this Act which are not in conformity with the scheme shall cease to have effect. [107]

(5) If at any time the Fire Service Commission, after consultation with the fire authorities affected, submit to the Secretary of State proposals for amending any co-ordination scheme, the Secretary of State may amend the scheme in accordance with the proposals, subject to any modifications which he may think fit. [108]

See s. 1 (3), (5), *ante*, as to arrangements between fire authorities.

10. Power of Fire Service Commission to recommend provision of local fire services for any district by another fire authority.—(1) Where any fire authority have requested another fire authority to provide the whole or any part of the local fire services for the borough or district of the first named fire authority, and the other fire authority are unwilling to provide such services, or the authorities cannot agree as to the extent of the services to be provided or the terms on which they are to be provided, the first named fire authority may make an application to the Fire Service Commission. [109]

(2) If the Fire Service Commission, after giving an opportunity to the fire authorities concerned to make representations and, if they think fit or if any such fire authority requests them to do so, after holding a local inquiry, are satisfied that it is expedient, with a view to securing greater efficiency or economy, that the whole or any part of the local fire services for the borough or district of the applicant fire authority should be provided by the other fire authority, they may recommend to the Secretary of State that such local fire services shall be so provided on such terms as they may specify, and the Secretary of State may by order give effect to the recommendations, with or without modifications, and thereupon it shall be the duty of the fire authorities concerned to give effect to the order. [110]

(3) The costs of the Fire Service Commission in holding a local inquiry for the purposes of this section shall be paid by such fire authority, or by such fire authorities in such proportions, as the Commission may direct, and the Commission may certify the amount of the said costs and, if they are to be paid by two or more authorities, the amounts to be paid by the several authorities, and any amount so certified and directed to be paid by a fire authority shall be recoverable from that authority as a debt to the Crown, or by the Secretary of State summarily as a civil debt. [111]

11. Fire service boards.—(1) If the Secretary of State is satisfied, at any time after the expiration of two years from the passing of this Act, after holding a local inquiry, that efficient fire services have not been provided or are not being maintained for any borough or district in accordance with section one of this Act, he may appoint a board, to be called "a fire service board," for such area as he may specify. [112]

(2) The provisions set out in the Second Schedule to this Act shall have effect with respect to the constitution, proceedings and dissolution of fire service boards. [113]

(3) As from the date of the appointment of a fire service board, no arrangements shall be entered into under section one of this Act by the fire authorities of the boroughs or districts situated in the area for which the board was appointed without the approval of the fire service board. [114]

12. Fire service area schemes.—(1) Where a fire service board has been appointed for any area, the board shall prepare and submit to the Secretary of State a scheme (hereinafter referred to as “an area scheme”) for ensuring the provision and maintenance by the fire authorities under the general supervision of the board of efficient fire services throughout the area for which the board was appointed. [115]

(2) An area scheme shall come into operation when approved by the Secretary of State, either without modifications, or after making such modifications therein as he thinks fit, and when a scheme has been so approved, it shall be the duty of the fire authorities in the area to carry it into effect and to exercise their functions under the foregoing provisions of this Act in accordance with the scheme, and any arrangements entered into by any such fire authorities under section one of this Act which are not in conformity with the scheme shall cease to have effect. [116]

(3) If at any time the fire service board for any area, after consultation with the fire authorities in the area, submit to the Secretary of State proposals for amending the area scheme, the Secretary of State may amend the scheme in accordance with the proposals, subject to any modifications which he may think fit. [117]

13. Default powers of fire service boards.—(1) If a complaint is made to the Secretary of State by a fire service board that any fire authority have failed in any respect to carry out the area scheme, the Secretary of State may cause a local inquiry to be held into the matter, and if he is satisfied after the inquiry that there has been such a failure on the part of the authority, he may make an order transferring to the fire service board such of the functions of the defaulting authority under this Act as may be specified in the order, and, while the order is in force, the fire service board shall discharge those functions in place of the authority, and in respect of those functions references in this Act to a fire authority shall, except where the context otherwise requires, be construed as including references to the fire service board. [118]

(2) A fire service board to whom functions are transferred under the foregoing subsection may borrow money for the purpose of meeting any expenses incurred by them in the discharge of those functions, and Part IX of the Local Government Act, 1933 (which relates to borrowing by local authorities) shall apply, subject to such adaptations as may be made by the order transferring the functions, to fire service boards in like manner as they apply to local authorities. [119]

For Part IX of L.G.A. 1933, see 26 Halsbury's Statutes 412 *et seq.*

(3) A fire service board shall have power to issue precepts to any fire authority, whose functions have been transferred to the board, requiring them, within a time limited by the precept, to pay such amounts as will in the opinion of the board be sufficient to defray

expenses incurred or to be incurred in the discharge of functions so transferred, including payments, whether of principal or interest, in respect of any money borrowed under the last foregoing subsection; and any sum for which a precept has been issued under this section to a fire authority shall be a debt due from that authority to the fire service board, and may be recovered accordingly, without prejudice, however, to the right of the board to exercise any powers conferred upon precepting authorities by section thirteen of the Rating and Valuation Act, 1925. [120]

Sect. 13 of the Rating and Valuation Act, 1925 (14 Halsbury's Statutes 617), empowers a precepting authority, on default by the rating authority, to obtain the appointment of a receiver.

(4) Where functions have been transferred to a fire service board under this section, the accounts of the board shall be so kept as to show in a separate account such income and expenses of the board as are attributable to the exercise of functions so transferred, and if functions have been transferred to the board from two or more fire authorities, separate accounts shall be kept in respect of each authority. [121]

(5) Where an order transferring functions to a fire service board is revoked, the functions shall again be exercisable by the authority from whom they were transferred, and the revoking order may provide for the transference to that authority, upon such terms as may be agreed or, in default of agreement, determined in accordance with the order, of any property, rights and liabilities acquired or incurred by the board for the purpose of the exercise of those functions. [122]

Miscellaneous.

14. Powers of fire brigades and police in extinguishing fires.—(1) Any member of a fire brigade which provides local fire services under this Act being on duty, and any police constable, may enter and if necessary break into any premises or place in which a fire has or is reasonably supposed to have broken out, or any premises or place which it is necessary to enter for the purpose of extinguishing a fire, without the consent of the owner or occupier thereof, and may do all such acts and things as they may deem necessary for extinguishing fire or for protecting from fire any such premises or place or rescuing any person or property therein. [123]

(2) Any person who wilfully obstructs or interferes with any member of a fire brigade engaged in operations for the extinction of a fire or the protection or rescue of any person or property from fire shall be liable on summary conviction to a fine not exceeding ten pounds. [124]

(3) At any fire the senior officer present of the fire brigade maintained for the borough or district in which the fire originates, or, if any scheme or arrangement made under this Act provides that any other person shall have charge of the operations for the extinction of the fire, that other person, shall have the sole charge and control of all operations for the extinction of the fire including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes or the use of any water supply, and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed, and may require the water to be shut off from the mains and pipes in

any area in order to give a greater supply and pressure of water for extinguishing the fire, and no authority, company, or person shall be liable to any penalty or claim by reason of the interruption of the supply of water occasioned only by compliance with such a requirement. [125]

(4) The senior officer of police present at any fire may close for traffic any street or may stop or regulate the traffic in any street whenever in the opinion of that officer it is necessary or desirable to do so for the purpose of extinguishing fire or for the safety or protection of life or property. [126]

This section reproduces with amendments ss. 88, 89 of P.H.A. 1907 (13 Halsbury's Statutes 944).

15. Power to exempt trailers used for fire services from traffic restrictions.—The Minister of Transport may by regulations provide that, in such cases and subject to such conditions as may be specified by the regulations, vehicles used for fire brigade purposes shall be exempt from the provisions of section eighteen of the Road Traffic Act, 1930 (which restricts the number of trailers to be drawn by motor vehicles); and the provisions of the said Act as to regulations made thereunder shall apply in like manner to regulations made under this section. [127]

For s. 18 of the Road Traffic Act, see 23 Halsbury's Statutes 624.

16. Extension of Fire Brigade Pensions Act, 1925, to temporary firemen.—(1) Where any member of a fire brigade maintained by a fire authority under this Act, who has been a professional fireman or member of a police force, is wholly but not permanently employed on fire brigade duties and while so employed is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, or dies from the effects of an injury received in, or disease resulting from, the execution of his duty without his own default, the like special pension to himself or pension to his widow and allowances or gratuities to his children or dependants shall be payable under the Fire Brigade Pensions Act, 1925, as would have been payable under that Act if he had been a professional fireman, when incapacitated, but based on his current rate of pay and his service with the brigade since he last joined it. [128]

For the Fire Brigade Pensions Act, 1925, see 13 Halsbury's Statutes 1095 *et seq.* That Act applies to "professional firemen," and that expression is defined (s. 23, *ibid.* 1107) to mean "any member of a fire brigade maintained by a local authority who is wholly and permanently employed on fire brigade duties, and to whom the Police Pensions Act, 1921 (12 Halsbury's Statutes 873), does not apply." This subsection extends the provisions of the Act as to incapacity or death on duty (ss. 2 (1) (c), 3, *ibid.* 1096—7) to members of fire brigades who have been policemen or "professional firemen," but are not at the time of the incapacity or death so employed as to come within that definition by reason of the fact that their employment is not permanent.

(2) Where any special pension is payable under the foregoing subsection in respect of a person to whom an ordinary pension is already payable under the Police Pensions Act, 1921, or the Fire Brigade Pensions Act, 1925, the special pension shall be payable in addition to his ordinary pension, but no increase shall be made in his ordinary pension in respect of service to which this section relates and the aggregate amount of the two pensions shall not exceed his annual pay at the date of his retirement on which the ordinary pension became payable. [129]

(3) Where pensions, allowances, or gratuities are payable under any local Act to members of a fire brigade who have been wholly and

permanently employed on fire brigade duties, the Secretary of State may direct that the provisions of this section shall apply with respect to that fire brigade with such modifications as he considers necessary. [130]

17. Definition of "fire brigade duties" for purposes of Fire Brigade Pensions Act, 1925, and this Act.—(1) For the purposes of the Fire Brigade Pensions Act, 1925, and this Act, the expression "fire brigade duties" includes any of the following duties, that is to say :—

- (a) duties carried out on the direction of the fire authority in connection with fire prevention ;
- (b) duties in connection with the construction, repair or maintenance of any fire engines, or of any vehicles, appliances, or equipment used for fire brigade, ambulance or police purposes, or duties consisting of the driving or manning of ambulances ; and
- (c) other duties ancillary to or connected with fire brigade purposes, being duties carried out on the direction of the fire authority.

[131]

(2) For the purposes of the said Fire Brigade Pensions Act, 1925, in its application to any member of a fire brigade maintained by a fire authority who is wholly and permanently employed on the said duties at the passing of this Act, not being a person to whom the next following subsection applies, the said expression shall be deemed to have had the said meaning during any period before the passing of this Act during which he was treated as subject to the said Fire Brigade Pensions Act, 1925, or any period during which the fire authority may in their discretion certify that he was wholly and permanently employed on the said duties. [132]

"Fire brigade duties" are not defined in the Fire Brigade Pensions Act, 1925 (13 Halsbury's Statutes 1095 *et seq.*). In *Whelan and Others v. Biltingham U.D.C.*, [1937] Ch. 662 ; [1937] 3 All E. R. 387 ; Digest Supp.), the meaning of these words was considered in relation to the definition of "professional fireman" in the Act of 1925. In that case men permanently employed by a local authority as members of a fire brigade were required, in addition to maintaining the equipment of the brigade in a state of efficiency, to perform such duties as making concrete kerbing, repairing vehicles not forming part of the brigade equipment, etc. This work was of a very varied nature and included some duties, *e.g.* pumping flood water from cellars, which involved the use of fire brigade equipment but were not extinction of fires, and others, such as those instanced above, which were in no way connected with the fire brigade. It was held by Clauson, J., that none of these firemen was a "professional fireman" within the Act. The decision, of course, had relation only to the particular facts of the case, and did not remove doubts as to the interpretation of the definition in relation to other facts, and the present section is an attempt to clarify the position by including certain functions as to which doubt might exist in the definition of "fire brigade duties." Para. (c) is still somewhat ambiguous, but no doubt includes pumping operations or the well-recognised function of rescuing animals from trees and roofs, but there remains room for doubt as to the application of the definition to duties which are not performed by a team of firemen acting as a fire brigade.

(3) Where any person, who at the passing of this Act holds a post by virtue of which he is or is being treated as subject to the Local Government and other Officers' Superannuation Act, 1922 (hereinafter referred to as "the Act of 1922"), or to a local Act scheme, becomes by virtue of this section a professional fireman and would, if he did not exercise his option under this subsection, be subject to the Fire Brigade Pensions Act, 1925, the fire authority shall, as soon as may be after regulations have been made by the Minister of Health under the next following subsection give him written notice of the effect of this section, and if, within one month after receiving that notice, he gives written notice to the fire authority that he desires that the provisions of the Act

of 1922 or of the local Act scheme, as the case may be, should continue to apply to him, the said provisions shall apply to him, and be deemed to have applied to him as from the passing of this Act, in lieu of the provisions of the Fire Brigade Pensions Act, 1925. [133]

For the L. G. etc., Superannuation Act, 1922, see 10 Halsbury's Statutes 863.

(4) If any such person as aforesaid does not give a written notice under the last foregoing subsection, the provisions of the Fire Brigade Pensions Act, 1925, shall apply to him and be deemed to have applied to him as from the passing of this Act, in lieu of the provisions of the Act of 1922 or of the local Act scheme, as the case may be, and—

- (a) account shall be taken for the purposes of the Fire Brigade Pensions Act, 1925, in such manner as may be prescribed by regulations made by the Minister of Health, of his previous service with any local authority ;
- (b) a transfer value ascertained in accordance with the provisions of the Local Government Officers' Superannuation (Transfer Value) Rules, 1930, shall be paid out of the superannuation fund maintained under the Act of 1922, or under the local Act scheme, as the case may be, to the fire brigade pension fund or, if there is no such fund, to the general rate fund of the borough or district ; and
- (c) for the purposes of any return or application of his rateable deductions under section eighteen of the Fire Brigade Pensions Act, 1925, there shall be included in the aggregate amount of his rateable deductions so much of the said transfer value as represents contributions or additional contributory payments paid or made by him under the Act of 1922 or the local Act scheme. [134]

For regulations made under para. (a), see the Fire Brigade Pensions Regulations 1938, *post*.

(5) At the end of paragraph 2 of Part II of the First Schedule to the Local Government Superannuation Act, 1937 (which specifies persons who shall not become contributory employees or local Act contributors within the meaning of that Act), there shall be added the words “ not “ being a fireman who has given a written notice under subsection (2) “ of section twenty-four of the Fire Brigade Pensions Act, 1925, or “ under subsection (3) of section seventeen of the Fire Brigades Act, “ 1938 ”. [135]

For Part II of the First Schedule to the L.G. etc., Superannuation Act, 1937, see 30 Halsbury's Statutes 420.

(6) Any person who at the passing of this Act is in the service of a local authority as respects whom the Act of 1922 is in operation, or of a local authority administering a local Act scheme, and is being treated as subject to the Fire Brigade Pensions Act, 1925, but is not a professional fireman, shall by virtue of this subsection—

- (a) be deemed to hold a post by virtue of which he is subject to the Act of 1922, or the local Act scheme, as the case may be ; and
- (b) be entitled to reckon any period of service during which he was treated as subject to the Fire Brigade Pensions Act, 1925, as contributing service for the purposes of the Act of 1922, or the local Act scheme, as the case may be, and any deductions made from his pay during such a period shall be deemed to be contributions for all purposes of the Act of 1922 or the local Act scheme ; and

the authority shall transfer from the fire brigade pension fund or, if there is no such fund, the general rate fund of the borough or district to the superannuation fund maintained under the Act of 1922, or the local Act scheme, as the case may be, an amount equal to twice the aggregate amount of the said deductions. [136]

(7) All regulations made by the Minister of Health under this section shall be laid as soon as may be before Parliament, and if either House within the next twenty-eight days on which that House has sat after any regulation has been laid before it, resolves that the regulation be annulled, the regulation shall be of no effect, but without prejudice to the validity of anything done in the meantime thereunder or to the making of a new regulation. [137]

(8) In this section the expression "additional contributory payment" has the same meaning as in the Local Government Superannuation Act, 1937, and the expression "local Act scheme" means a superannuation scheme administered by a local authority under a local Act. [138]

18. Central Advisory Council for Fire Services.—(1) The Secretary of State shall appoint a Council, to be called the Central Advisory Council for Fire Services, for the purpose of advising the Secretary of State on any question which may be referred by him to the Council with respect to any matter arising in connection with the operation of this Act. [139]

(2) The Secretary of State may, after consultation with such associations as represent fire authorities, by order make provision with respect to the constitution and proceedings of the Council. [140]

19. Appointment of inspectors.—The Secretary of State may, for the purpose of obtaining reports as to the manner in which this Act is carried out, appoint such inspectors and there shall be paid to them such remuneration as the Secretary of State may with the consent of the Treasury determine, and such remuneration shall be defrayed as part of the expenses of the Secretary of State incurred for the purposes of this Act. [141]

20. Establishment of training centre.—(1) The Secretary of State may establish a training centre for providing special courses of instruction for members of fire brigades, and the expenses incurred in connection with the training centre shall, to such amount as may be approved by the Treasury, be defrayed as part of the expenses of the Secretary of State incurred for the purposes of this Act. [142]

(2) The Secretary of State may approve training centres established by fire authorities for providing courses of instruction for members of their own or other fire brigades and for training persons for service in fire brigades. [143]

21. Loan to fire authorities of appliances provided under the Air-Raid Precautions Act, 1937.—Regulations made by the Secretary of State under section eleven of the Air-Raid Precautions Act, 1937, may provide for the use by fire authorities for the purposes of their functions under this Act of any equipment, appliances or material acquired by the Secretary of State on behalf of His Majesty under the said Air-Raid

(2) The occupier of any premises may make and notify to the appropriate authority under the last foregoing Article arrangements whereunder the requirements of the last foregoing paragraph are dispensed with, and, if such arrangements are approved by the appropriate authority (whether with or without modifications), that paragraph shall not apply to those premises so long as the arrangements as so approved are carried out to the satisfaction of the appropriate authority ; but subject to the foregoing provisions of this paragraph, the said paragraph shall apply to all premises to which this order applies.

(3) Where paragraph (1) of this Article applies to any premises, the following provisions shall have effect as respects the fire prevention duties allotted to the person mentioned in that paragraph under the arrangements made for the premises under the last foregoing Article :—

- (a) the periods for which the said duties are required by the arrangements to be performed by any such person outside his working hours shall not in the aggregate exceed forty-eight hours in each month ;
- (b) the arrangements shall secure, so far as possible and subject to any exemptions granted by or under the order, that the said duties are shared equally among all the said persons ;
- (c) no such person shall be entitled to any remuneration for the performance of the said duties outside his working hours ;
- (d) any such person may, in accordance with any order under Regulation twenty-seven A of the Defence (General) Regulations, 1939, for the time being in force, apply to the tribunal mentioned in that order for exemption from all or any of the said duties on the ground that he is medically unfit to perform them, or that it would be an exceptional hardship for him to be required to perform them ;
- (e) any such person shall be exempted from the said duties if and so long as he works at any other premises to which the said paragraph (1) applies and performs outside his working hours duties allotted to him in accordance with arrangements made for those other premises under the last foregoing Article ;
- (f) members of the Home Guard and constables shall be exempted from the said duties ;
- (g) a person who holds a certificate from a local authority that, at the date of the making of this order, he had undertaken to perform civil defence duties in the area of that authority for periods amounting in the aggregate to not less than forty-eight hours in each month shall be exempted from the said duties so long as he continues to perform civil defence duties in that area for such periods ;
- (h) the appropriate authority may, by directions given to the occupier of the premises, exempt from the said duties wholly or partly—
 - (i) persons who appear to that authority to be engaged upon vital work for exceptionally long hours ; and
 - (ii) persons engaged upon such duties as may be specified in the directions, being duties undertaken to forestall or mitigate hostile attacks on the premises. [408]

4.—(1) The occupier of any premises to which this order applies may, within fourteen days from the date on which this order is applied to the premises, report in writing to the appropriate authority that he is unable to make arrangements for the premises as required by Article 2 of this order, stating the grounds of his inability.

(2) After receiving such a report, the appropriate authority may either—

- (a) notify the occupier in writing that they are satisfied that he is unable to make the said arrangements ; or
- (b) notify the occupier in writing that they are not so satisfied ; or
- (c) give to the occupier, and to the occupiers of any adjoining or neighbouring premises or premises in the same building, directions in writing to make joint arrangements for all those premises under paragraph (5) of Article 2 of this order.

(3) If the appropriate authority notify the occupier under sub-paragraph (a) of the last foregoing paragraph that they are satisfied that he is unable to make such arrangements, he shall be relieved from any obligation to comply with the provisions of Article 2 of this order. [409]

5.—(1) If the occupier of any premises to which this order applies—

- (a) fails, within fourteen days from the date on which the order is applied to the premises, either to make the arrangements required by Article 2 of this order or to make a report under the last foregoing Article ; or
- (b) is notified in writing by the appropriate authority that the arrangements made by him for the premises under the said Article 2 are disapproved ; or
- (c) is notified by the appropriate authority under sub-paragraph (a) of paragraph (2) of the last foregoing Article that the authority is satisfied that he is unable to make such arrangements ;

the appropriate authority may itself make for the premises the arrangements required by Article 2 of this order, and Article 3 shall apply to the premises as if the arrangements had been made under the said Article 2.

(2) In exercising its powers under the last foregoing paragraph as respects several premises, the appropriate authority may make such arrangements as could have been made by the occupiers thereof under paragraph (5) of Article 2 of this order, and, where such arrangements are made, paragraph (6) of that Article shall apply accordingly as if the arrangements had been made and approved under that Article.

(3) If the occupiers of several premises fail to comply with any directions given under sub-paragraph (c) of paragraph (2) of the last foregoing Article, the appropriate authority may itself make the arrangements required by the directions, and paragraph (6) of Article 2 of this order shall apply accordingly as if the arrangements had been made and approved under that Article.

(4) It shall be the duty of the occupier of any premises for which arrangements are made under this Article to take all steps necessary to carry out the arrangements and to comply with any directions given by the appropriate authority with respect thereto.

(5) Nothing in this Article shall prejudice any criminal proceedings for any such failure as is mentioned in paragraph (1) or paragraph (3) thereof. [410]

6. If the occupier of any premises fails to carry out any arrangements made for the premises under this order, whether by him or by the appropriate authority, the appropriate authority may itself carry out the arrangements and recover from the occupier summarily as a civil debt any expenses incurred by the authority in carrying out the arrangements :

Provided that nothing in this paragraph shall prejudice any criminal proceedings for any such failure. [411]

7.—(1) Subject to the provisions of this Article, the appropriate authority for the purposes of this order shall be—

- (a) in relation to any local government premises, the Minister ;
- (b) in relation to any factory premises or commercial premises as respects which any government department has assumed responsibility for passive air defence, that department ;
- (c) in relation to any factory premises or commercial premises forming part of any railway, canal, inland navigation, dock or harbour undertaking, the Minister of Transport ;
- (d) in relation to any factory premises or commercial premises forming part of any electricity undertaking, the Electricity Commissioners ;
- (e) in relation to any factory premises or commercial premises forming part of any gas undertaking, the Board of Trade ;
- (f) in relation to any factory premises or commercial premises forming part of any water undertaking, the Minister of Health ;
- (g) in relation to any factory premises or commercial premises other than those aforesaid, as respects which the Minister designates a government department as the appropriate authority, that department ;
- (h) in relation to any factory premises in which more than thirty persons work, not being premises previously mentioned in this paragraph, the Minister of Labour and National Service ;
- (i) in relation to any factory premises or commercial premises, not being premises previously mentioned in this paragraph, the council of the county borough, county district or metropolitan borough in which the premises are situated, or if they are situated in the City of London, the Common Council ;

Provided that—

- (i) any arrangements made under paragraph (5) of Article 2 of this order for several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, may be notified to any one of those authorities and, with the consent of the remainder of those authorities, approved by the authority to which they are notified ;
- (ii) any arrangements under paragraph (2) of Article 5 of this order for several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, may be made by any one of those authorities with the consent of the remainder of those authorities ;
- (iii) directions may be given under sub-paragraph (c) of paragraph (2) of Article 4 of this order as respects several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, by any one of those authorities to which a report has been made under that paragraph, and arrangements may be made by that authority accordingly under paragraph (4) of Article 5 of this order ;
- (iv) the appropriate authority for any premises may, for the purpose of administrative efficiency, agree to the exercise by another authority mentioned in the foregoing provisions of this paragraph of functions in relation to any premises situated near premises as respects which that other authority is the appropriate authority.

(2) If any doubt or dispute arises as to which authority is the appropriate authority for any premises, it shall be referred to the Minister whose decision shall be final.

(3) Any appropriate authority other than a local authority may, to such extent and subject to such conditions as it thinks proper, delegate all or any of its functions under this order to any specified persons or class of persons.

(4) For the purposes of this Article—

- (a) the expression “commercial premises” means any business premises, not being factory premises or local government premises;
- (b) the expression “factory premises” means any business premises being a factory within the meaning of section one hundred and fifty-one of the Factories Act, 1937, or a dock, wharf or warehouse to which any of the provisions of that Act apply, but does not include any local government premises;
- (c) the expression “local government premises” means premises occupied by a local authority for the purpose of discharging any of its functions. [412]

8. The Minister may, to such extent and subject to such restrictions as he thinks proper, delegate to a Regional Commissioner any functions exercisable by him under this order. [413]

9. For the purposes of this order—

- (a) the expression “local authority” has the meaning assigned to it by Regulation one hundred of the Defence (General) Regulations, 1939;
- (b) the expressions “business premises”, “fire prevention duties” and “working hours” have the same meanings as in Regulation twenty-seven A of those Regulations;
- (c) the expression “civil defence duties” has the same meaning as in Regulation twenty-six A of those Regulations;
- (d) the expression “the Minister” means the Minister of Home Security;
- (e) the expression “prescribed” means prescribed by directions given by the Minister. [414]

10. In the application of this order to Scotland—

- (a) the expression “the Minister” shall mean either the Minister of Home Security or the Secretary of State;
- (b) for references to the Minister of Health there shall be substituted references to the Secretary of State;
- (c) for references to the council of a county borough, county district, or metropolitan borough, or the Common Council of the City of London, there shall be substituted references to a county council or a town council;
- (d) Article 6 of this order shall have effect as if the word “summarily” were omitted therefrom. [415]

11.—(1) This order may be cited as the Fire Prevention (Business Premises) Order, 1941.

(2) The Fire Watchers Order, 1940, is hereby revoked, as respects any premises to which this order applies, as from the date on which arrangements are approved or made for those premises by the appropriate authority under this order. [416]

THE FIRE PREVENTION (BUSINESS PREMISES) (NO. 2) ORDER, 1941

S. R. & O., 1941, No. 1411

September 12, 1941

In pursuance of the powers conferred upon me by Regulations twenty-seven A and thirty-eight of the Defence (General) Regulations, 1939, I hereby order as follows :—

1. This order shall apply to all business premises situated in any such area as may be prescribed, and to all such other business premises as may be prescribed :

Provided that this order shall not apply to any premises occupied by any person partly as his dwelling-house and partly for the purpose of his business, trade or profession, except premises occupied partly as a shop. [417]

2.—(1) Subject to the provisions of this order, every occupier of premises to which this order applies shall make proper and adequate arrangements for the purpose of securing that fires occurring at the premises as the result of hostile attack will be immediately detected and combated.

(2) The occupiers of several premises to which this order applies, being adjoining or neighbouring premises or premises in the same building, may make joint arrangements for those premises.

(3) Where several premises to which this order applies are occupied by the same occupier, whether or not they are adjoining or neighbouring premises or premises in the same building, the occupier may make combined arrangements for those premises :

Provided that no person shall be required under the arrangements without his consent to perform fire prevention duties at any premises which are more than two miles from the premises at which he works. [418]

3.—(1) Every occupier of premises to which this order applies shall consult with the persons working at the premises or with their representatives with respect to the arrangements to be made under this order for those premises and the manner in which the arrangements are to be carried out, and, in so far as any such persons have trade union representatives, they shall be entitled to be represented by those representatives.

(2) Every such occupier shall, within twenty-one days from the date on which this order applies to the premises, notify in writing to the appropriate authority the arrangements made by him for the premises under this order, and the notification shall include a statement by the occupier that he has complied with the last foregoing paragraph, and, in a case where he has consulted representatives, a list of the names of those representatives.

(3) On or before the date on which any such arrangements are notified to the appropriate authority, the occupier—

- (a) in a case where he has consulted representatives, shall send or deliver to every representative a copy of the arrangements as so notified ;
- (b) in a case where any of the persons working at the premises have not been represented by representatives, shall, in addition to his obligation (if any) under the foregoing sub-paragraph, cause copies of the arrangements to be displayed at the premises or otherwise made available for inspection at the premises by those persons ;

and representations with respect to the arrangements may be made in writing to the appropriate authority by any representative who has been consulted

or by any person working at the premises who has not been represented by a representative.

(4) The appropriate authority may approve, with or without modifications, any such arrangements notified to them, or may disapprove any such arrangements, but the appropriate authority shall not approve or disapprove them before the expiration of seven days from the date on which the arrangements were notified to them and shall, before approving or disapproving the arrangements, consider any representations made to them under the last foregoing paragraph within the said period, and shall notify their approval or disapproval in writing to the occupier and to any persons who have made representations within the said period :

Provided that if, in a case where representations have been made to them within the said period, the appropriate authority consider it necessary or expedient that the arrangements should be carried out forthwith, the authority may, before they have considered or fully considered the representations, provisionally approve the arrangements, with or without modifications, and notify their provisional approval in writing to the occupier and to the persons who have made the representations.

(5) Where any such arrangements have been provisionally approved under the last foregoing paragraph, the appropriate authority shall without delay consider, or complete their consideration of, the said representations and shall, not later than the expiration of one month from the date on which they notified their provisional approval or of such further periods (not exceeding one month in any case) as they may from time to time notify in writing to the occupier and the persons who made the said representations, finally approve (with or without modifications) or disapprove the arrangements and shall notify their approval or disapproval accordingly :

Provided that if the appropriate authority are a local authority and, at the expiration of two months from the date on which their provisional approval was notified, they have not notified their final approval or disapproval, the occupier of the premises or any of the persons who made the said representations may make an application in writing to the Regional Commissioner and the Regional Commissioner may require the appropriate authority to refer the arrangements to him.

Where an application is made to the Regional Commissioner under this paragraph, the person making the application shall, on the day on which he makes it, send or deliver a copy thereof to the appropriate authority.

(6) Where any such arrangements have been approved (otherwise than provisionally) by an appropriate authority who are a local authority, the occupier or any of the persons who made representations within the period mentioned in paragraph (4) of this Article may, within seven days from the date on which he was notified of the approval, appeal by notice in writing to the Regional Commissioner, and shall, within the said period, send or deliver a copy of the notice to the appropriate authority.

(7) Where any such arrangements after being provisionally approved are referred to the Regional Commissioner, or an appeal is made to the Regional Commissioner from the final approval of any such arrangements, the Regional Commissioner shall either—

- (a) finally approve the arrangements, whether in the form in which they were approved by the appropriate authority (provisionally or otherwise) or in a modified form ; or
- (b) disapprove the arrangements ;

and shall notify his decision in writing to the appropriate authority, the occupier and any persons who made representations within the period mentioned in paragraph (4) of this Article.

(8) The appropriate authority or Regional Commissioner may, before reaching a final decision with respect to any such arrangements, refer the arrangements back, either generally or as respects particular matters, for further consultation between the occupier of the premises to which the arrangements relate and the persons working at the premises or their representatives, and may direct that a representative of the authority or of the Regional Commissioner, as the case may be, shall take part in the consultation, and the occupier may, as the result of the further consultation, amend the arrangements for the premises and notify them in writing as amended to the appropriate authority or to the Regional Commissioner, as the case may be, and paragraphs (3) to (7) of this Article shall apply in relation to the amended arrangements subject to the modification that, in a case where they are notified to the Regional Commissioner, for the references to the appropriate authority there shall be substituted references to the Regional Commissioner and the provisions relating to references and appeals to the Regional Commissioner shall not apply.

(9) Where any such arrangements have been approved by the appropriate authority under this Article (whether provisionally or finally), they shall come into force as from a date specified by the authority when notifying the approval to the occupier, not being less than three days after the date on which it was so notified, and if the arrangements are subsequently disapproved or approved in a modified or amended form under this Article, the arrangements shall cease to be in force or, as the case may be, shall have effect in the modified or amended form, as from a date specified by the authority or Regional Commissioner when notifying the disapproval or approval to the occupier, not being less than three days after the date on which it was so notified.

(10) While any arrangements for any premises are for the time being in force under this order, the occupier of the premises shall cause copies thereof to be displayed at the premises or otherwise made available for inspection at the premises by the persons working at the premises.

(11) Arrangements approved under this Article for any premises shall not be deemed to be invalid on the ground that the persons working at the premises or their representatives were not consulted in accordance with this Article, if it is shown that the occupier of the premises took reasonable steps to obtain the views of those persons or their representatives with respect to the arrangements and the manner in which they were to be carried out, and that they refused to discuss or express any views on the matters aforesaid.

[419]

4.—(1) It shall be the duty of all male persons working at premises for which arrangements are in force under this order, other than voluntary arrangements, being British subjects of the prescribed age, to perform such fire prevention duties as may be allotted to them under the arrangements :

Provided that—

(a) any such person may, in accordance with any order under Regulation twenty-seven A of the Defence (General) Regulations, 1939, for the time being in force, apply to the tribunal mentioned in that order for exemption from all or any of the said duties on the ground that he is medically unfit to perform them, or that it would be an exceptional hardship for him to be required to perform them, and the tribunal may grant such exemption in accordance with the said order ;

(b) any such person shall be exempted from the said duties if and so long as he works at any other premises for which arrangements

are in force under this order and performs outside his working hours duties allotted to him under those arrangements ;

- (c) any person enrolled under the Civil Defence Duties (Compulsory Enrolment) (City of London) Order, 1941, shall be exempted from the said duties, if and so long as he is required to perform duties by virtue of his enrolment under that order :
- (d) the following persons shall be exempted from the said duties, namely, members of the Home Guard, members of the Royal Observer Corps, constables and persons of such classes as may be prescribed ;
- (e) a fireman of the National Fire Service who holds a certificate from a Fire Force Commander or an officer designated by the Secretary of State that, at the time when the certificate was issued, he was performing duties as such a fireman for periods amounting in the aggregate to not less than forty-eight hours in each month, shall be exempted from the said duties so long as he continues to perform duties as such a fireman for such periods ;
- (f) a person who holds a certificate from a local authority that, on the eighteenth day of January, nineteen hundred and forty-one, he had undertaken to perform civil defence duties in the area of that authority and was performing those duties for periods amounting in the aggregate to not less than forty-eight hours in each month, shall be exempted from the said duties so long as he continues to perform civil defence duties for such periods, whether in that area or in the area of any other local authority, or, in the case of a person who has become a fireman of the National Fire Service since the date of the issue of the certificate, continues to perform duties as such a fireman for such periods ;
- (g) the appropriate authority may, by directions given to the occupier of the premises, exempt from the said duties wholly or partly—
 - (i) persons who appear to that authority to be engaged upon vital work for exceptionally long hours ; and
 - (ii) persons engaged upon such duties as may be specified in the directions, being duties undertaken to forestall or mitigate hostile attacks on the premises ;
- (h) where it appears to any government department that any person ought, owing to the nature or length of hours of his work or any circumstances affecting the public interest, to be exempted from the said duties, they may grant to him a certificate of exemption, and any person who holds such a certificate or a certificate of exemption granted by a government department under paragraph (8A) of Article 4 of the Civil Defence Duties (Compulsory Enrolment) Order, 1941, as amended by any subsequent Order, shall be exempted from the said duties.

(2) Where there are in force under this order for any premises arrangements the duties under which, in so far as they are to be performed by persons working at the premises, are to be performed by such of those persons as have voluntarily agreed to perform them (in this order referred to as “voluntary arrangements”), the last foregoing paragraph shall not apply to those premises.

(3) Where arrangements are in force under this order for any premises, whether the arrangements are voluntary arrangements or not, it shall be the duty of any person who has agreed to perform duties allotted to him under the arrangements, whether or not he is working at those premises, to

perform those duties, unless he has given not less than seven days' notice in writing determining his services and the said period has expired. [420]

5.—(1) All arrangements made under this order shall, so far as practicable, secure that—

- (a) an adequate number of persons for the purpose of discharging fire prevention duties at the premises are available at all times ;
- (b) there are allotted to those persons specified fire prevention duties, and they receive sufficient instruction to enable them to perform those duties ;
- (c) adequate equipment, including helmets, to enable the said duties to be discharged are at all times available at the premises.

(2) All arrangements made under this order, other than voluntary arrangements, shall, as respects the persons who are required by virtue of paragraph (1) of the last foregoing Article to perform fire prevention duties allotted to them under the arrangements, secure that—

- (a) the periods for which the said duties are required to be performed by any such person outside his working hours do not in the aggregate exceed forty-eight hours in each period of four weeks ;
- (b) the said duties are so far as possible shared equally among all such persons ;
- (c) the amount of any additional travelling expenses reasonably incurred by any such person in consequence of the arrangements is reimbursed ;
- (d) subsistence allowances of the following amounts are paid to every such person—
 - (i) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period not exceeding twelve hours, three shillings ;
 - (ii) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period exceeding twelve hours but not exceeding eighteen hours, four shillings and sixpence ;
 - (iii) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period exceeding eighteen hours but not exceeding twenty-four hours, six shillings.

For the purposes of sub-paragraph (d) of this paragraph a person who performs the said duties outside his working hours for a continuous period exceeding twenty-four hours shall be deemed, after the completion of twenty-four hours, to perform the said duties on a new occasion.

(3) Save as is provided by the last foregoing paragraph, no such person as is referred to therein shall be entitled to any remuneration for the performance of the said duties outside his working hours.

(4) It shall be the duty of the occupier of any premises for which arrangements are in force under this order to provide and maintain at the premises, for persons performing outside their working hours fire prevention duties allotted to them under the arrangements, proper and adequate sleeping accommodation, bedding, sanitary conveniences and facilities for washing. [421]

6. The occupier of any premises to which this order applies may, within twenty-one days from the date on which this order applies to the premises, report in writing to the appropriate authority that he is unable to make

arrangements for the premises under this order, stating the grounds of his inability, and, if the appropriate authority are satisfied that he is unable to make the said arrangements, they shall notify him in writing accordingly, and he shall thereupon be relieved from his obligation to make and notify arrangements for those premises under this order. [422]

7.—(1) If the occupier of any premises to which this order applies—

- (a) fails, within twenty-one days from the date on which this order applies to the premises, to notify in writing to the appropriate authority arrangements for those premises, whether or not he reports inability to do so under the last foregoing Article; or
- (b) is notified in writing by the appropriate authority or the Regional Commissioner that arrangements notified by him, otherwise than under the next following Article, are disapproved;

the appropriate authority may themselves make for the premises the arrangements required by this order, and shall notify the arrangements in writing to the occupier of the premises and shall give such directions as to the manner of carrying out the arrangements as they consider necessary, and the arrangements shall come into force as from a date specified by the authority when notifying the arrangements to the occupier, not being less than three days after the date on which the arrangements were so notified.

(2) In exercising their powers under the last foregoing paragraph as respects several premises, being adjoining or neighbouring premises or premises in the same building, the appropriate authority may make joint arrangements for those premises.

(3) Nothing in this Article shall prejudice any criminal proceedings against any occupier of premises for any failure to make and notify arrangements for the premises in accordance with this order. [423]

8.—(1) The occupier or occupiers of premises for which arrangements are in force under this order may at any time notify in writing to the appropriate authority amendments of the arrangements and, if that authority approve the amendments, whether with or without modifications, the arrangements shall be amended accordingly.

(2) The appropriate authority may at any time, by notice in writing served on the occupier or occupiers of premises for which arrangements are in force under this order, amend those arrangements.

(3) The occupier of any premises to which this order applies, whether single premises or several premises occupied by him, or the occupiers of several premises to which this order applies, being adjoining or neighbouring premises or premises in the same building, may at any time notify in writing to the appropriate authority arrangements for the single premises, or, as the case may be, combined or joint arrangements for the several premises, to take effect in substitution for any arrangements previously in force for the premises or any of the premises; and the proviso to paragraph (3) of Article 2 of this order shall apply to combined arrangements made under this paragraph as it applies to those made under that paragraph.

(4) The appropriate authority may at any time give directions in writing to the occupiers of several premises to which this order applies, being adjoining or neighbouring premises or premises in the same building to make joint arrangements for those premises, in substitution for any arrangements previously in force for the premises or any of the premises, and to notify the arrangements in writing to the authority within twenty-one days from the date of the direction, and, if the occupiers fail to notify the arrangements as aforesaid or if the arrangements are disapproved, the appropriate authority

may themselves make joint arrangements for the premises, in substitution for any arrangements previously in force for the premises or any of the premises, and shall notify the arrangements in writing to the occupiers thereof.

(5) The persons working at any premises for which arrangements are in force under this order, or the representatives of those persons, may represent to the occupier or occupiers of the premises that the arrangements ought to be amended, and the occupier or occupiers shall consider any such representations with a view to exercising his or their powers under this Article, and, if the occupier refuses or the occupiers refuse to amend the arrangements, the persons working at the premises or their representatives may make representations in writing to the appropriate authority that the arrangements ought to be amended, and the appropriate authority shall consider those representations with a view to exercising their powers under this Article.

(6) Where any arrangements are amended by the appropriate authority, or any new arrangements are made by the appropriate authority, under this Article, they shall give such directions as to the manner of carrying out the arrangements as they consider necessary and the amendments or new arrangements shall come into force as from a date specified by the authority when notifying the amendments or arrangements to the occupier, not being less than three days after the date on which they were so notified.

(7) Where any new arrangements are made under this Article for any premises, any arrangements previously in force for those premises shall—

- (a) if they only applied to those premises, cease to be in force as from the date on which the new arrangements come into force ;
- (b) if they also applied to other premises, apply to those other premises only as from the said date.

(8) The occupier of any premises for which arrangements are in force under this order may at any time report in writing to the appropriate authority that he is unable either to carry out the arrangements or to notify any practicable amendments thereof or arrangements in substitution therefor, stating the ground of his inability, and, if the appropriate authority are satisfied as to his inability, they shall serve a notice in writing on the occupier stating that they are so satisfied ; and thereupon the arrangements shall cease to be in force, and the powers of the appropriate authority under the last foregoing Article shall be exercisable in like manner as if the occupier had failed to notify any arrangements for the premises under this order.
[424]

9.—(1) Article 3 of this order shall apply (so far as applicable) in relation to the making by the occupier or occupiers of premises of amendments of arrangements or new arrangements under the last foregoing Article, and to their approval or disapproval, in like manner as it applies in relation to the original making and approval or disapproval of arrangements under this order.

(2) Where arrangements for any premises are made under either of the last two foregoing Articles, or are amended under the last foregoing Article, by an appropriate authority who are a local authority, the occupier of the premises or any person working at the premises or any representative of any such person may, within fourteen days from the date on which the arrangements or amendments were notified to the occupier, appeal by notice in writing to the Regional Commissioner, and the Regional Commissioner may, on any such appeal, approve the arrangements or amendments, with or without modifications, or may disapprove them, and shall notify his decision in writing to the appropriate authority and the occupier of the premises and.

if the appeal was brought by any other person, to that person ; and, if the arrangements or amendments are modified or disapproved, they shall have effect in the modified form or, as the case may be, shall cease to be in force, as from a date specified by the Regional Commissioner when notifying his decision to the occupier, not being less than three days after the date on which the decision was notified.

(3) Where directions in writing are given under paragraph (4) of the last foregoing Article by an appropriate authority who are a local authority, the occupier of any of the premises affected may, within seven days from the date on which the directions were given, appeal by notice in writing to the Regional Commissioner, and the Regional Commissioner may, on any such appeal, confirm, revoke, or modify the directions, and shall notify his decision in writing to the appropriate authority and the occupier of the premises. [425]

10.—(1) It shall be the duty of the occupier of any premises for which arrangements are in force under this order, to carry out those arrangements, whether or not they were made by him, and notwithstanding that he has been relieved from any obligation to make arrangements for the premises under this order ; and, for the avoidance of doubt in cases where arrangements are made by the appropriate authority, it is hereby declared that the duty of the occupier includes the duty of providing equipment to be available at the premises, and providing and maintaining sleeping accommodation, bedding, sanitary conveniences and facilities for washing in accordance with Article 5 of this order.

(2) It shall be the duty of the occupier of any premises for which arrangements are made or amended by the appropriate authority to comply with any directions given by the authority as to the manner in which the arrangements are to be carried out.

(3) Where joint arrangements are made for any premises by the appropriate authority, the authority may, in default of agreement between the occupiers of the several premises, give directions apportioning among those occupiers the expenses of carrying out the arrangements and providing and maintaining sleeping accommodation, bedding, sanitary conveniences and facilities for washing in accordance with Article 5 of this order.

(4) If the occupier of any premises fails to carry out any arrangements in force under this order for the premises or to provide and maintain sleeping accommodation, bedding, sanitary conveniences and facilities for washing in accordance with Article 5 of this order, the appropriate authority may themselves do so and recover from the occupier summarily as a civil debt any expenses thereby incurred by the authority :

Provided that nothing in this paragraph shall prejudice any criminal proceedings for any such failure.

(5) In any criminal proceedings against the occupier of any premises for failing to carry out any such arrangements, it shall be a defence for him to prove—

(a) that, before the institution of the proceedings, he made under paragraph (8) of Article 8 of this order a report in writing to the appropriate authority of his inability to carry out the arrangements or to submit any practicable amendments thereof or new arrangements in substitution therefor ; and

(b) either that he has been notified by the appropriate authority that they are satisfied as to his said inability or that he has not been notified by the said authority that they are not so satisfied. [426]

11.—(1) Arrangements approved under this order or under the Fire Prevention (Business Premises) Order, 1941, shall not be treated as invalid by reason of the fact that they were notified to the appropriate authority after the expiration of the period specified in Article 3 of this order or, in the case of arrangements notified before the coming into operation of this order, the period specified in Article 2 of the Fire Prevention (Business Premises) Order, 1941.

(2) In any criminal proceedings under this order in relation to any premises, the production of a document purporting to be a copy of the arrangements in force under this order for those premises at the time specified in the document, and to be signed by or on behalf of the appropriate authority, shall be sufficient evidence that those arrangements were so in force at that time, unless the contrary is shown. [427]

12.—(1) The appropriate authority may from time to time by notice in writing require the occupier of any premises to which this order applies to furnish such information as may be specified in the notice, being information relating to arrangements in force for the premises or information required in connection with the making or amendment of arrangements for the premises, and in particular may require him to furnish the names and addresses of all male persons working at the premises, being British subjects of the prescribed age, and the numbers specified on the identity cards issued to those persons under the National Registration Act, 1939, and to state which of those persons are exempted under Article 4 of this order.

(2) It shall be the duty of all persons working at any premises to which this order applies to furnish to the occupier of the premises such information as he may require for the purpose of complying with any notice served on him under this Article. [428]

13.—(1) Where after the date on which this order applies to any premises, not being premises for which (in conjunction with other premises) joint arrangements are in force under this order, a new occupier comes into occupation of the premises, any arrangements in force for the premises under this order shall cease to be in force, and this order shall have effect in relation to those premises as if for any reference to the date on which it applies thereto there were substituted a reference to the date on which the new occupier comes into operation :

Provided that the new occupier may, within seven days of coming into occupation of the premises, notify in writing to the appropriate authority that the change of occupation does not involve any substantial change in the use of the premises or in the persons working thereat, and, unless the appropriate authority otherwise direct, any arrangements in force for those premises shall continue in force.

(2) Where a new occupier comes into occupation of any premises for which joint arrangements are in force under this order, the joint arrangements shall continue to apply to those premises, notwithstanding the change of occupation, but without prejudice to the provisions of this order relating to the amendment of arrangements and the substitution of new arrangements.

(3) Where any premises situated in an area prescribed under Article 1 of this order or Article 1 of the Fire Prevention (Business Premises) Order, 1941, were not business premises at the date when the area was so prescribed but subsequently become business premises after the coming into operation of this order, this order shall apply to those premises as from the date on which they become business premises.

(4) Where this order or the Fire Prevention (Business Premises) Order, 1941, has applied to any premises situated in such an area as aforesaid but

has ceased to apply by reason that the premises have ceased to be business premises, then, if the premises again become business premises after the coming into operation of this order, this order shall apply to those premises as from the date when they again become business premises.

(5) Where premises situated in an area prescribed under Article 1 of the Fire Prevention (Business Premises) Order, 1941, were not business premises at the date when the area was prescribed, or subsequently ceased to be business premises, but are business premises at the date when this order comes into operation, this order shall apply to those premises as from the date when it comes into operation.

Provided that this paragraph shall not apply in a case where arrangements have been approved for the premises under the Fire Prevention (Business Premises) Order, 1941, and are being carried out at the date of the coming into operation of this order, and the said arrangements shall have effect as if they had been made under this order. [429]

14.—(1) Subject to the provisions of this Article, the appropriate authority for the purposes of this order shall be—

- (a) in relation to any local government premises, the Minister ;
- (b) in relation to any factory premises or commercial premises as respects which any government department has assumed responsibility for passive air defence, that department ;
- (c) in relation to any factory premises or commercial premises forming part of any railway, canal, inland navigation, dock or harbour undertaking, the Minister of War Transport ;
- (d) in relation to any factory premises or commercial premises forming part of any electricity undertaking, the Electricity Commissioners ;
- (e) in relation to any factory premises or commercial premises forming part of any gas undertaking, the Board of Trade ;
- (f) in relation to any factory premises or commercial premises forming part of any water undertaking, the Minister of Health ;
- (g) in relation to any factory premises or commercial premises other than those aforesaid, as respects which the Minister designates a government department as the appropriate authority, that department ;
- (h) in relation to any factory premises in which more than thirty persons work, not being premises previously mentioned in this paragraph, the Minister of Labour and National Service ;
- (i) in relation to any factory premises or commercial premises, not being premises previously mentioned in this paragraph, the local authority in whose area the premises are situated ;

Provided that—

- (i) any joint or combined arrangements for several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, may be notified to any one of those authorities and, with the consent of the remainder of those authorities, approved by the authority to which they are notified ;
- (ii) arrangements may be made, and directions may be given, under Article 7 or Article 8 of this order, as respects several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, by any one of those authorities, with the consent of the remainder of those authorities ;

(iii) a report may be made under paragraph (8) of Article 8 of this order as respects joint or combined arrangements for several premises, in relation to which different authorities are the appropriate authority by virtue of the foregoing provisions of this Article, to that one of those authorities by which the arrangements were approved or made, and that authority may take any action required or authorised by this order to be taken on the report ;

(iv) the appropriate authority for any premises may, for the purpose of administrative efficiency, agree to the exercise by another authority mentioned in the foregoing provisions of this paragraph of functions in relation to any premises.

(2) If any doubt or dispute arises as to which authority are the appropriate authority for any premises, it shall be referred to the Minister whose decision shall be final.

(3) Any appropriate authority may, to such extent and subject to such conditions as they think proper, delegate all or any of their functions under this order to any specified persons or class of persons :

Provided that this paragraph shall not apply to any appropriate authority who are a local authority, without prejudice to any power of that authority to delegate any of their functions to a committee.

(4) In this Article—

(a) the expression “ commercial premises ” means any business premises, not being factory premises or local government premises ;

(b) the expression “ factory premises ” means any business premises being a factory within the meaning of section one hundred and fifty-one of the Factories Act, 1937, or a dock, wharf or warehouse to which any of the provisions of that Act apply, but does not include any local government premises ;

(c) the expression “ local government premises ” means premises occupied by a local authority for the purpose of discharging any of their functions. [430]

15. The Minister may, to such extent and subject to such restrictions as he thinks proper, delegate to a Regional Commissioner any functions exercisable by him under this order. [431]

16.—(1) In this order the following expressions have the meanings respectively assigned to them, that is to say :—

“ local authority ” means the Common Council of the City of London, the council of a metropolitan borough, or the council of a county borough or county district and also includes, in paragraph (f) of the proviso to paragraph (1) of Article 4 of this order and in subparagraph (c) of paragraph (4) of Article 14 of this order, the council of a county ;

“ business premises,” “ fire prevention duties ” and “ working hours ” have the same meanings as in Regulation twenty-seven A of the Defence (General) Regulations, 1939 ;

“ civil defence duties ” has the same meaning as in Regulation twenty-six A of those Regulations ;

“ the Minister ” means the Minister of Home Security ;

“ period of four weeks ” means the period of four weeks beginning with the twenty-second day of September, nineteen hundred and forty-one, and any period of four weeks beginning with a date exactly four

weeks, or an exact multiple of four weeks, after the first-mentioned date ;

“prescribed” means prescribed by directions given by the Minister;

“shop” has the same meaning as in the Shops Acts, 1912 to 1938.

(2) For the purposes of this order, where joint arrangements or combined arrangements are in force under this order for several premises, all those premises shall be treated as if they were single premises, and, in the case of joint arrangements, each of the occupiers thereof shall be treated as if he were the occupier of all the said premises, and any reference in this order to the occupier of premises to which arrangements relate shall, unless the context otherwise requires, be construed as a reference to all the said occupiers.

[432]

17. In the application of this order to Scotland—

(a) the expression “the Minister” shall mean either the Minister of Home Security or the Secretary of State ;

(b) for references to the Minister of Health there shall be substituted references to the Secretary of State ;

(c) Article 10 of this order shall have effect as if the word “summarily” were omitted therefrom ;

(d) the expression “local authority” in paragraph (f) of the proviso to paragraph (1) of Article 4 of this order and in sub-paragraph (c) of paragraph (4) of Article 14 of this order shall mean county, town or district council, and, in any other case shall mean county or town council. [433]

18.—(1) Any arrangements made under the Fire Prevention (Business Premises) Order, 1941, and in force immediately before the coming into operation of this order shall be deemed to have been made and approved under this order and shall continue in force accordingly, and, in the case of arrangements other than voluntary arrangements, shall, without prejudice to the powers of amendment conferred by this order, be deemed to provide for the matters mentioned in sub-paragraphs (c) and (d) of paragraph 2 of Article 5 of this order, except in so far as those matters are already otherwise provided for.

(2) Where any arrangements have been notified under the Fire Prevention (Business Premises) Order, 1941, but have not been approved or disapproved at the date of the coming into operation of this order, paragraphs (3) to (7) of Article 3 of this order shall apply thereto subject to the following modifications, namely, that the occupier of the premises to which the arrangements relate shall comply with paragraph (3) of the said Article within seven days from the date on which this order comes into operation, and for the period mentioned in paragraph (4) thereof within which representations may be made there shall be substituted the period of fourteen days from the said date.

(3) Any approval, disapproval, notification, report, directions, exemption, application, certificate, delegation, or designation, given, made or effected under the Fire Prevention (Business Premises) Order, 1941, shall be deemed to have been given, made or effected under the corresponding provisions of this order, and any directions applying the Fire Prevention (Business Premises) Order, 1941, to business premises situated in any area or to any other business premises shall be deemed to apply this order to those premises :

Provided that no right of appeal under Article 3 of this order shall be exercisable in the case of arrangements approved under the Fire Prevention (Business Premises) Order, 1941.

(4) Where the appropriate authority have, at the date of the coming into operation of this order, power to make arrangements for any premises by reason of the failure of the occupier to make and notify arrangements for the premises within the period specified in Article 2 of the Fire Prevention (Business Premises) Order, 1941, the said power shall be exercisable notwithstanding the revocation of that order, but subject to the like right of appeal as in the case of arrangements made by an appropriate authority under this order.

(5) References in any document to the Fire Prevention (Business Premises) Order, 1941, or to any provision thereof, shall be construed as references to this order or to the corresponding provision thereof. [434]

19.—(1) This order may be cited as the Fire Prevention (Business Premises) (No. 2) Order, 1941.

(2) Article 11 shall come into operation on the making of this order but, save as aforesaid, this order shall come into operation on the twenty-second day of September, nineteen hundred and forty-one.

(3) The Fire Watchers Order, 1940, and the Fire Prevention (Business Premises) Order, 1941, are hereby revoked. [435]

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THE FIRE PRECAUTIONS (ACCESS TO PREMISES) ORDER, 1941

S. R. & O., 1941, No. 170

February 7, 1941

In pursuance of the powers conferred on me by paragraph (1) of Regulation 28 and Regulation 38 of the Defence (General) Regulations, 1939, I hereby order as follows:—

1. The powers of entry and of taking steps for extinguishing fire or for protecting property, or rescuing persons or property, from fire conferred on auxiliary firemen by paragraph (1) of the said Regulation 28 are hereby conferred on persons of the following class, that is to say:—

members of the Home Guard :

Provided that nothing in this Order shall authorise any member of the Home Guard to exercise any of the said powers except when he is in uniform and acting in the course of his duty. [436]

2. This Order may be cited as the Fire Precautions (Access to Premises) Order, 1941. [437]

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**THE FIRE PRECAUTIONS (ACCESS TO PREMISES)
(NO. 2) ORDER, 1941**

S. R. & O., 1941, No. 1248

August 20, 1941

In pursuance of the powers conferred on me by paragraph (1) of Regulation 28 and Regulation 38 of the Defence (General) Regulations, 1939, I hereby order as follows :—

1. The powers of entry and of taking steps for extinguishing fire or for protecting property, or rescuing persons or property, from fire conferred on auxiliary firemen by paragraph (1) of the said Regulation 28 are hereby conferred on persons of the following classes, that is to say :—

- (i) air raid wardens ;
- (ii) members of a fire-fighting party which is organised by a local authority mentioned in Article 2 of this Order otherwise than as a fire-fighting party which is so organised solely for the purposes of the Fire Prevention (Business Premises) Order, 1941 ;
- (iii) persons who immediately before the date of the coming into force of this Order were members of a voluntary fire-fighting party which was organised by such a local authority as aforesaid.

Provided that nothing in this Order shall authorise any person to exercise any of the said powers except when he is acting as an air raid warden or as a member of a fire-fighting party, as the case may be. **[438]**

2. For the purposes of the foregoing Article the following authorities shall be local authorities, that is to say :—

(1) In England—

the common council of the city of London,
the council of a metropolitan borough,
the council of a county borough, and
the council of a county district ;

(2) in Scotland—

the county council, and
the town council. **[439]**

3.—(1) This Order may be cited as the Fire Precautions (Access to Premises) (No. 2) Order, 1941, and shall come into force on the 28th day of August, 1941.

(2) The Fire Precautions (Access to Premises) Order, 1940, is hereby revoked. **[440]**

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THE CIVIL DEFENCE DUTIES (COMPULSORY ENROLMENT) ORDER, 1941

S. R. & O., 1941, No. 70

January 18, 1941

In pursuance of the powers conferred upon me by Regulations twenty-six A and thirty-eight of the Defence (General) Regulations, 1939, I hereby order as follows :—

1. If the Minister is satisfied, on the report of a local authority or otherwise, that the number of persons voluntarily enrolled for the performance of fire prevention duties in the area of a local authority is insufficient to enable that authority to discharge the duties imposed on it by Regulation twenty-seven B of the Defence (General) Regulations, 1939, the Minister may direct that this order shall apply to the area of that authority. [441]

2.—(1) The local authority for any area to which this order applies shall from time to time, by notice published in the prescribed manner, require all male persons, being British subjects who at the date of the notice are resident in the area or in such part thereof as may be prescribed and are of the prescribed age and are not exempted as hereinafter provided, to make, at such place and time, in such manner and to such authority or person as may be specified in the notice, an application to be registered under this order and to furnish such particulars about themselves as may be so specified.

(2) A notice published under this Article is hereinafter in this order referred to as “ a registration notice.” [442]

3.—(1) A local authority may serve on any person registered by them under this order a notice stating that he has been enrolled for the performance of fire prevention duties in the area of the authority or the part thereof prescribed as aforesaid, and thereupon he shall be deemed to have been so enrolled.

(2) A notice served under this Article is hereafter in this order referred to as “ an enrolment notice ”.

(3) Every enrolment notice shall specify the person or persons, or describe the class of persons, by whom there may be given, to the person deemed to be enrolled by virtue of the notice, directions defining the fire prevention duties to be performed by him, and the time, place and manner of their performance, and the person or persons so specified or of the class so described may give directions accordingly :

Provided that—

(a) the person or persons or class of persons authorised to give such directions may be varied from time to time by a further notice served by the local authority ; and

(b) the periods for which a person enrolled by virtue of any such notice is required by any such directions to perform duties shall not in the aggregate exceed forty-eight hours in each month.

[443]

4.—(1) Any person who would, apart from this provision, be required to apply for registration by a registration notice shall be exempted from that requirement if, at the date of the notice, he is a person of any of the classes referred to in the Schedule to this Order ; and any person registered under this order who becomes a person of any of the said classes shall be exempted

from enrolment under this order or, if he has already been enrolled, shall be released by the local authority from the duties required of him by virtue of his enrolment.

(2) Any person may, in accordance with any order under Regulation twenty-six A of the Defence (General) Regulations, 1939, for the time being in force, apply to the tribunal mentioned in that order to be exempted from enrolment under this order, or if he has been enrolled, for release from the duties required of him by virtue of his enrolment, on the ground that he is medically unfit to perform those duties or that it would be an exceptional hardship if he were required to perform them.

(3) A person registered by a local authority under this order, who has undertaken, at the date of the registration notice, to perform civil defence duties in the area of the authority for periods amounting in the aggregate to not less than forty-eight hours in each month, shall be exempted from enrolment under this order so long as he continues to perform such duties for such periods.

(4) A person registered by a local authority under this order, who produces to that authority a certificate from another local authority that, at the date of the registration notice, he had undertaken to perform civil defence duties for such periods as aforesaid in the area of that other local authority, shall be exempted from enrolment by the first mentioned authority, or, if he has already been enrolled, shall be released by the first mentioned authority from the duties required of him by virtue of his enrolment, so long as he continues to perform civil defence duties for such periods in the area of that other authority.

(5) Where a person registered by a local authority under this order has, before he is served by that authority with an enrolment notice, been served with an enrolment notice by another local authority, he shall be exempted from enrolment by the first mentioned authority, if and so long as he is required to perform duties by virtue of the enrolment notice served by that other authority.

(6) A person registered by a local authority under this order, who produces to that authority a certificate from a government department that he has undertaken to perform duties similar to civil defence duties for such periods as aforesaid at premises occupied by that department, shall be exempted from enrolment under this order, or, if he has already been enrolled, shall be released by the authority from the duties required of him by virtue of his enrolment, so long as he continues to perform duties similar as aforesaid for such periods in such premises.

(7) Where a person registered by a local authority under this order satisfies the authority that he has undertaken, or is required, to perform duties under arrangements made under Regulation twenty-seven A of the Defence (General) Regulations, 1939, then, so long as he continues to perform such duties, he shall be exempted from enrolment under this order, or, if he has already been enrolled, he shall be released by the authority from the duties required of him by virtue of his enrolment.

(8) A person registered by a local authority under this order, who produces to that authority a certificate, signed by or on behalf of the appropriate authority for any premises to which the Fire Prevention (Business Premises) Order, 1941, applies, that he is engaged upon vital work for exceptionally long hours, shall be exempted from enrolment under this order, or, if he has already been enrolled, shall be released from the duties required of him by virtue of his enrolment, so long as he continues to be engaged upon such work for such hours.

(9) Where—

- (a) any person who is required by a local authority to apply for registration by a registration notice ceases, before the date on which he is required to make the application, to reside in the area of that authority or the part thereof prescribed as aforesaid ; or
- (b) a person enrolled by a local authority by an enrolment notice has ceased to reside in the area of that authority or the part thereof prescribed as aforesaid when the notice is served, or ceases at any time thereafter so to reside.

the authority shall, if he shows reasonable grounds for leaving that area or part, and that it would not be practicable for him to perform the required duties in that area or part, exempt him from liability to be registered under this order, or release him from the duties required of him by virtue of his enrolment, as the case may be ; and if the local authority refuses to grant such an exemption or release, an appeal from that refusal shall lie, in accordance with any order under Regulation twenty-six A of the Defence (General) Regulations, 1939, for the time being in force, to the tribunal mentioned in that order. [444]

5. The Minister may, to such extent and subject to such restrictions as he thinks proper, delegate to a Regional Commissioner any functions exercisable by him under this order. [445]

6. In this order the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“ civil defence duties ” has the same meaning as in Regulation twenty-six A of the Defence (General) Regulations, 1939 ;

“ fire prevention duties ” has the same meaning as in Regulation twenty-seven A of the said Regulations ;

“ the Minister ” means the Minister of Home Security ;

“ local authority ” means the council of a county borough, county district or metropolitan borough, or the Common Council of the City of London ;

“ prescribed ” means prescribed by directions given by the Minister. [446]

7. In the application of this order to Scotland—

- (a) the expression “ the Minister ” shall mean the Minister of Home Security or the Secretary of State ;
- (b) the expression “ local authority ” shall mean a county council or a town council ;
- (c) the following paragraph shall be substituted for paragraph 3 of the Schedule to this order—

“ 3. Any person who is the subject of an order or warrant for his detention or custody under the Lunacy (Scotland) Acts, 1857 to 1919, or is being entertained and kept in an asylum in pursuance of section fifteen of the Lunacy (Scotland) Act, 1866, or is a person for whose safe custody during His Majesty's pleasure His Majesty is authorised to give order or is a prisoner whom the Secretary of State or the Prisons Department for Scotland has, in pursuance of any Act, directed to be removed to a criminal lunatic asylum or to the criminal lunatic department of Perth prison or to an asylum, or is a person placed in an institution or a certified house or

under guardianship under section four of the Mental Deficiency and Lunacy (Scotland) Act, 1913, or is the subject of an order under section seven, nine or ten of that Act." [447]

8. This Order may be cited as the Civil Defence Duties (Compulsory Enrolment) Order, 1941. [448]

* * * * *

SCHEDULE

PERSONS EXEMPTED

1. A member of any of the armed forces of the Crown.
2. A constable.
3. Any person who—
 - (a) is the subject of an order or inquisition under the Lunacy and Mental Treatment Acts, 1890 to 1930 ; or
 - (b) is being detained in pursuance of section twenty-five of the Lunacy Act, 1890, or as a criminal lunatic, or in pursuance of an order made under the Criminal Lunatics Acts, 1884 ; or
 - (c) is undergoing treatment as a temporary patient under section five of the Mental Treatment Act, 1930 ; or
 - (d) is a person placed in an institution or a certified house or under guardianship under section three of the Mental Deficiency Act, 1913, or is the subject of an order under section six, eight or nine of that Act, or is under supervision provided under paragraph (b) of section thirty of that Act, or is an inmate of a home approved under section fifty of that Act, or is the subject of a notification under subsection (2) of section fifty-one of that Act.
4. A person certified by a local authority, as defined by the Blind Persons Acts, 1920 and 1938, to be registered as a blind person under arrangements made by the authority under those Acts.
5. A person of any such class as may be prescribed. [449]

THE CIVIL DEFENCE DUTIES (COMPULSORY ENROLMENT) (NO. 2) ORDER, 1941

S. R. & O., 1941, No. 1412

September 12, 1941

In pursuance of the powers conferred upon me by Regulations 26A and 38 of the Defence (General) Regulations, 1939, I hereby order as follows :—

1. In paragraph (3) of Article 3 of the Civil Defence Duties (Compulsory Enrolment) Order, 1941, and in paragraph (3) of Article 4 of the said order, for the word " month " there shall be substituted the words " period of four weeks ". [450]

2.—(1) For paragraph (7) of Article 4 of the said order there shall be substituted the following paragraphs :—

" (7) Where a person registered by a local authority under this order produces to that authority a certificate that he works at premises to which the Fire Prevention (Business Premises) (No. 2) Order, 1941, applies and has undertaken, or is required, to perform outside his working hours duties under arrangements in force for those premises under the said order for periods amounting in the aggregate to such number of hours in a period of four weeks

as may be specified in the certificate, then, so long as the certificate is in force and he continues to perform those duties outside his working hours, the following provisions shall have effect :—

- (a) if the number of hours so specified exceeds thirty-six, he shall be exempted from enrolment under this order, or, if he has already been enrolled, shall be released by the authority from the duties required of him by virtue of his enrolment ;
- (b) if the number of hours so specified exceeds twenty-four but does not exceed thirty-six, the periods for which he is required to perform duties by virtue of his enrolment shall not in the aggregate exceed twelve hours in each period of four weeks ;
- (c) if the number of hours so specified exceeds twelve but does not exceed twenty-four, the periods for which he is required to perform duties by virtue of his enrolment shall not in the aggregate exceed twenty-four hours in each period of four weeks ;
- (d) if the number of hours so specified does not exceed twelve, the periods for which he is required to perform duties by virtue of his enrolment shall not in the aggregate exceed thirty-six hours in each period of four weeks.

A certificate issued for the purposes of this paragraph shall be in the prescribed form and shall be signed by the occupier of the premises or by a person authorised by the occupier with the approval of the appropriate authority for the premises under the Fire Prevention (Business Premises) (No. 2) Order, 1941, or by a person of a class so authorised.

(7A) A certificate issued by the occupier of any premises for the purposes of the last foregoing paragraph shall expire at the end of the current period of twelve weeks or, in the case of a certificate issued during the last six weeks of a period of twelve weeks, at the end of the next such period :

Provided that the occupier may endorse the certificate at any time during the last four weeks of any period of twelve weeks at the end of which the certificate would otherwise expire, and shall, if the number of hours specified in the certificate requires alteration (owing to a change in the arrangements or other material circumstances) to such an extent as will affect the operation of the last foregoing paragraph in relation to the person concerned, make the necessary alteration, and on such endorsement the certificate shall remain in force for the next period of twelve weeks.

(7B) The number of hours to be specified in any such certificate as aforesaid shall be ascertained as follows :—

- (a) the occupier of the premises shall calculate the maximum number of hours for which any person working at the premises would have to perform outside his working hours in any period of four weeks fire prevention duties under arrangements in force for those premises under the Fire Prevention (Business Premises) (No. 2) Order, 1941, at the date of the issue or endorsement of the certificate on the assumption that—
 - (i) the number of persons working at the premises who have undertaken or are required to perform the said duties outside their working hours remains the same as at the said date, and that the said duties, so far as performed outside working hours, are allotted to those persons in regular rotation ; and
 - ii) no persons, other than persons working at the premises, are available to perform the said duties ;

- (b) there shall be added to the number of hours so calculated a number equal to one-eighth of that number; and
- (c) if the final number of hours so calculated includes a fraction of an hour, that fraction shall be counted as a complete hour."

(2) After paragraph (8) of Article 4 of the said order, there shall be inserted the following paragraph :—

"(8A) Where it appears to any government department that any person ought, owing to the nature or length of hours of his work or any circumstances affecting the public interest, to be exempted from enrolment under this order, they may grant to him a certificate of exemption, and any person registered by a local authority under this order who produces to that authority such a certificate or a certificate of exemption granted by any government department in the exercise of powers conferred by paragraph (h) of the proviso to paragraph (1) of Article 4 of the Fire Prevention (Business Premises) (No. 2) Order, 1941, shall be exempted from enrolment under this order, or, if he has already been enrolled, shall be released by the authority from the duties required of him by virtue of his enrolment." [451]

3. In Article 6 of the said order after the definition of "local authority" there shall be inserted the following definition :—

" 'period of four weeks' means the period of four weeks beginning with the twenty-second day of September, nineteen hundred and forty-one, and any period of four weeks beginning with a date exactly four weeks, or an exact multiple of four weeks, after the first mentioned date ;

'period of twelve weeks' means the period of twelve weeks beginning with the twenty-second day of September, nineteen hundred and forty-one, and any period of twelve weeks beginning with a date exactly twelve weeks, or an exact multiple of twelve weeks, after the first mentioned date ; "

and at the end of the said Article, there shall be added the following definition :—

" 'working hours' has the same meaning as in Regulation 27A of the said Regulations." [452]

4. This order may be cited as the Civil Defence Duties (Compulsory Enrolment) (No. 2) Order, 1941. [453]

* * * * *

THE CIVIL DEFENCE DUTIES (COMPULSORY ENROLMENT) (NO. 3) ORDER, 1941

S. R. & O., 1941, No. 1834

November 18, 1941

In pursuance of the powers conferred upon me by Regulations 26A and 38 of the Defence (General) Regulations, 1939, I hereby order as follows :—

1. For paragraphs (7), (7A) and (7B) of Article 4 of the Civil Defence Duties (Compulsory Enrolment) Order, 1941, as amended by the Civil Defence Duties (Compulsory Enrolment) (No. 2) Order, 1941, there shall be substituted the following paragraphs :—

"(7) Where, in the case of a person registered by a local authority under this order, there is produced to that authority a certificate that he has under-

taken, or is required, to perform outside his working hours, at premises to which the Fire Prevention (Business Premises) (No. 2) Order, 1941, applies, fire prevention duties under arrangements in force for those premises under the said order for periods amounting in the aggregate to such number of hours in a period of four weeks as may be specified in the certificate, then, so long as the certificate is in force and he continues to perform those duties outside his working hours, the following provisions shall have effect :—

- (a) if the number of hours so specified exceeds thirty, he shall be exempted from enrolment under this order, or, if he has already been enrolled, he shall be released by the authority from the duties required of him by virtue of his enrolment ;
- (b) if the number of hours so specified exceeds eighteen but does not exceed thirty, the periods for which he is required to perform duties by virtue of his enrolment shall not in the aggregate exceed twelve hours in each period of four weeks ;
- (c) if the number of hours so specified exceeds six but does not exceed eighteen, the periods for which he is required to perform duties by virtue of his enrolment shall not in the aggregate exceed twenty-four hours in each period of four weeks ;
- (d) if the number of hours so specified does not exceed six, the periods for which he is required to perform duties by virtue of his enrolment shall not in the aggregate exceed thirty-six hours in each period of four weeks.

(7A) A certificate may be issued for the purposes of the last foregoing paragraph either in respect of a single individual or, with the consent of the local authority concerned, in respect of several persons to whom the same arrangements apply and who are registered by the same local authority under this order, and shall—

- (a) if it is issued during the first four weeks of any period of twelve weeks, expire at the end of that period of twelve weeks ;
- (b) if it is issued during the last eight weeks of any period of twelve weeks, expire at the end of the next period of twelve weeks :

Provided that a certificate issued in respect of a single individual may from time to time be endorsed so as to cover a further period of twelve weeks, and in that case the number of hours specified in the endorsement shall be substituted, for the purposes of the last foregoing paragraph, for the number specified in the certificate, and any such endorsement shall, so far as practicable, be made not less than four weeks and not more than eight weeks before the date on which the certificate would otherwise expire.

A certificate issued for the purposes of the last foregoing paragraph, and any endorsement of any such certificate, shall be in the prescribed form and shall be signed by the occupier of the premises or by a person authorised by the occupier with the approval of the appropriate authority for the premises under the Fire Prevention (Business Premises) (No. 2) Order, 1941, or by a person of a class so authorised, and, if the certificate is in respect of several persons, the person by whom it is signed shall send it to the local authority concerned.

(7B) The number of hours to be specified in any such certificate or endorsement as aforesaid shall be ascertained as follows :—

- (a) the person by whom the certificate is issued or endorsed shall calculate the total number of hours in the period of four weeks beginning with the fifteenth day of December, 1941, during which all or any of the fire prevention duties required to be performed under the

arrangements in force for the premises under the Fire Prevention (Business Premises) (No. 2) Order, 1941, were or will be performed outside their working hours by male persons who work at the premises ;

- (b) he shall also calculate the maximum number of male persons who at any one time during the said period performed or will perform outside their working hours fire prevention duties under the said arrangements ;
- (c) he shall then multiply the said numbers and shall divide their product by the number of male persons who, at the date when the certificate is issued or endorsed have undertaken, or are required, to perform outside their working hours fire prevention duties under the said arrangements ;
- (d) if the final number of hours so calculated includes a fraction of an hour, that fraction shall be counted as a complete hour ;

Provided that where, at any time after the fifteenth day of December, 1941, a change occurs in the arrangements in force for the premises under the said order or in any other material circumstances, the person by whom any such certificate is issued or endorsed after the change has occurred shall, instead of calculating the actual numbers referred to in sub-paragraphs (a) and (b) hereof, calculate what those numbers would have been if the change had occurred before the said fifteenth day of December, 1941.

(7c) Notwithstanding anything in the last foregoing paragraph, where a certificate relating to any person has been issued or endorsed so as to expire at a certain time, the number of hours specified in that certificate or endorsement may, without any fresh calculation, be inserted in any subsequent certificate or endorsement thereof which relates to a person performing fire prevention duties under the same arrangements and which will expire at the same time.” [454]

2. For the definition of “working hours” in the Civil Defence Duties (Compulsory Enrolment) Order, 1941, as amended by the Civil Defence Duties (Compulsory Enrolment) (No. 2) Order, 1941, there shall be substituted the following definition :—

“ ‘working hours’ , in relation to any person who has undertaken, or is required, to perform fire prevention duties under arrangements in force for any premises, under the Fire Prevention (Business Premises) (No. 2) Order, 1941, means any period during which that person is engaged in, or employed for the purposes of, the business, trade or profession carried on at those premises or any of them.” [455]

3. This Order may be cited as the Civil Defence Duties (Compulsory Enrolment) (No. 3) Order, 1941. [456]

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**THE CIVIL DEFENCE DUTIES (COMPULSORY ENROLMENT)
(CITY OF LONDON) ORDER, 1941, DATED APRIL 17, 1941,
MADE BY THE MINISTER OF HOME SECURITY UNDER
REGULATIONS 26A, 27A AND 38 OF THE DEFENCE
(GENERAL) REGULATIONS, 1939**

S. R. & O., 1941, No. 538

April 17, 1941

Whereas I am satisfied that the number of persons voluntarily enrolled for the performance of fire prevention duties in the City of London (hereafter in this Order referred to as "the City") is insufficient to enable the Common Council of the City of London (hereafter in this Order referred to as "the Common Council") to discharge the duties imposed on them by Regulation twenty-seven B of the Defence (General) Regulations, 1939 :

Now, therefore, in pursuance of the powers conferred upon me by Regulations twenty-six A, twenty-seven A and thirty-eight of the Defence (General) Regulations, 1939, I hereby order as follows :—

1.—(1) The Common Council may from time to time, by notice published as hereafter provided, require every person, who is at the date of the notice the occupier of business premises in the City to make, on such date and at such place and in such manner as may be specified in the notice, a return of all persons registrable by virtue thereof whose usual place of work is at the date of the notice at the premises, or, as the case may be, a return stating that there are no such persons :

Provided that no person shall be included in a return so made for any premises unless he works at those premises for periods amounting on the average to not less than ten hours in each week, or if he is already registered under this order.

(2) The persons registrable by virtue of a notice so published are all male British subjects who, at the date on which returns are thereby required to be made, have attained the age of eighteen years and have not attained the age of sixty years and, at the date of the notice, are not persons of any of the classes referred to in the Schedule to this order.

(3) Returns made under this Article shall give as respects every person included therein the following particulars :—

(a) his name, age and date of birth ;

(b) whether he intends to apply under any of paragraphs (2) to (6) of Article 3 of this order for exemption from enrolment under this order, together with such particulars of the intended application as may be specified in the notice ; and

(c) such other particulars as may with the approval of the Minister be so specified.

(4) A notice under this Article shall be published by posting copies thereof at the Guildhall and in conspicuous places in the City, or in such other manner as may be approved by the Minister.

(5) The persons included in the return so made shall be registered by the Common Council under this order. [457]

2.—(1) The Common Council may serve on any person registered under this order a notice stating that he has been enrolled for the performance of fire prevention duties in the City, and thereupon he shall be deemed to have been so enrolled.

(2) A notice served under this Article is hereafter in this order referred to as an "enrolment notice".

(3) Every enrolment notice shall specify the person or persons, or describe the class of persons, by whom there may be given, to the person deemed to be enrolled by virtue of the notice, directions defining the fire prevention duties to be performed by him, and the time, place and manner of their performance, and the person or persons so specified or of the class so described may give directions accordingly :

Provided that—

- (a) the person or persons or class of persons authorised to give such directions may be varied from time to time by a further notice served by the Common Council, and
- (b) the periods for which a person enrolled by virtue of any such notice is required by any such directions to perform duties shall not in the aggregate exceed forty-eight hours in each month.

(4) Subject as hereinafter provided, a notice under this Article may, in addition to any other mode of service, be served on any person by delivering it or sending it by post addressed to him at any premises at which he has been returned under this order as working.

(5) Any person enrolled under this order shall—

- (a) be exempted from enrolment under any other order made under Regulation twenty-six A of the Defence (General) Regulations, 1939, or, if he has been enrolled under any such other order, be released from the duties required of him by virtue of his enrolment under that other order ;
- (b) be exempted from duties under any arrangements made under the Fire Prevention (Business Premises) Order, 1941,

if and so long as he is required to perform duties by virtue of his enrolment under this order. [458]

3.—(1) Any person registered under this order who has, after the date of the notice by virtue of which he was so registered, become, or who becomes, a person of any of the classes referred to in the Schedule to this order shall be exempted from enrolment under this order, or, if he has been so enrolled, shall be released by the Common Council from the duties required of him by virtue of his enrolment.

(2) Any person registered under this order may apply to the tribunal hereinafter mentioned to be exempted from enrolment under this order, or, if he has been so enrolled, for release from the duties required of him by virtue of his enrolment, on the ground that he is medically unfit to perform those duties, or that it would be an exceptional hardship if he were required to perform them.

An application under this paragraph shall be made in accordance with the Civil Defence Duties (Exemption Tribunals) Order, 1941, to the tribunal mentioned in Article 1 of that order, and for the purposes of this paragraph—

- (a) that order shall have effect as if references to paragraph 2 of Article 4 of the Civil Defence Duties (Compulsory Enrolment) Order, 1941, included references to this paragraph ; and
- (b) the Minister may make such adaptations in the form of the notice of application as appear to him to be necessary.

(3) Any person registered under this order who satisfies the Common Council that he has been exempted from enrolment for fire prevention duties, or released from the duties required of him by virtue of any such enrolment

or from any class of such duties, on the ground of medical unfitness or exceptional hardship by an order of a tribunal acting (otherwise than by virtue of this order) under the Civil Defence Duties (Exemption Tribunals) Order, 1941,—

- (a) if so exempted from enrolment, or released from duties generally, shall be exempted from enrolment under this order, or, if he has been so enrolled, shall be released from the duties required of him by virtue of his enrolment ; and
- (b) if so released from any class of duties, shall be released from that class of duties under this order,

so long as he continues to be so exempted or released by virtue of the order of the tribunal.

(4) Any person registered under this order who satisfies the Common Council that, before the eighteenth day of January, nineteen hundred and forty-one, he had undertaken to perform civil defence duties in the City for periods amounting in the aggregate to not less than forty-eight hours in each month, shall be exempted from enrolment under this order, or, if he has been so enrolled, shall be released from the duties required of him by virtue of his enrolment, so long as he continues to perform civil defence duties for such periods in the City.

(5) Any person registered under this order who produces to the Common Council a certificate from a local authority that, before the said eighteenth day of January, he had undertaken to perform civil defence duties for such periods as aforesaid in the area of that local authority, shall be exempted from enrolment under this order, or, if he has been so enrolled, shall be released from the duties required of him by virtue of his enrolment, so long as he continues to perform civil defence duties for such periods in the area of that local authority.

(6) Any person registered under this order who produces to the Common Council a certificate, signed by or on behalf of the appropriate authority for any premises to which the Fire Prevention (Business Premises) Order, 1941, applies, that he is engaged upon vital work for exceptionally long hours, shall be exempted from enrolment under this order, or, if he has been so enrolled, shall be released from the duties required of him by virtue of his enrolment, so long as he continues to be engaged upon such work for such hours.

(7) Any person registered under this order who satisfies the Common Council that he has ceased to work at business premises in the City, shall be exempted from enrolment under this order, or, if he has been so enrolled, shall be released from the duties required of him by virtue of his enrolment, so long as he continues not to work at business premises in the City. [459]

4.—(1) Where any person registered under this order ceases or begins to work at any business premises in the City, it shall be the duty of the occupier of those premises to make a return to the Common Council stating that that person has so ceased or begun, and where a return is so made that a person has ceased to work at any premises, he shall be deemed for the purposes of paragraph (4) of Article 2 of this order, not to have been included in any previous return for those premises.

(2) It shall be the duty of every person who works at any business premises in the City to furnish the occupier of those premises with such particulars about himself as may be required to enable any return for those premises to be made in accordance with this order.

- (3) It shall be the duty of every person registered under this order who—
- (a) becomes a person of any of the classes referred to in the Schedule to this order ; or
 - (b) ceases to be entitled to any exemption or release from duties granted to him by virtue of any of paragraphs (2) to (7) of the last foregoing Article,

forthwith to notify the Common Council of that fact. [460]

5.—(1) Any obligation imposed by or under this order on the occupier of any business premises to make a return shall not extend to the Common Council in respect of business premises occupied by them, but—

- (a) the Common Council shall register under this order all persons who would have fallen to be included by them in a return under Article 1 of this order in respect of any business premises so occupied, if the Common Council had been in respect thereof under the like obligation under that Article as other occupiers of business premises in the City ;
- (b) it shall be the duty of every person who works at any business premises in the City occupied by the Common Council to furnish them with such particulars about himself as may be required to enable them to determine whether he should or should not be registered by them under this order. [461]

6. In this order the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“ civil defence duties ” has the same meaning as in Regulation twenty-six A of the Defence (General) Regulations, 1939 ;

“ business premises ” and “ fire prevention duties ” have the same meanings respectively as in Regulation twenty-seven A of the said Regulations ;

“ local authority ” means the council of a county, county borough, county district or metropolitan borough ;

“ the Minister ” means the Minister of Home Security. [462]

7. This order may be cited as the Civil Defence Duties (Compulsory Enrolment) (City of London) Order, 1941. [463]

* * * * *

SCHEDULE

PERSONS EXEMPTED

1. A member of any of the armed forces of the Crown.
2. A member of the Royal Observer Corps.
3. A constable.
4. A registered medical practitioner.
5. A person of any such class as may be described in directions given by the Minister to the Common Council. [464]

THE CIVIL DEFENCE DUTIES (EXEMPTION TRIBUNALS) ORDER, 1941

S. R. & O., 1941, No. 163

February 6, 1941

In pursuance of the powers conferred upon me by Regulations twenty-six A, twenty-seven A and thirty-eight of the Defence (General) Regulations, 1939, I hereby order as follows :—

1.—(1) The tribunal to which an application under paragraph (2) of Article 4 of the Civil Defence Duties (Compulsory Enrolment) Order, 1941, may be made shall be the Military Service (Hardship) Committee for the district being, or comprising the whole or any part of, the area of the local authority which may serve or has served on the applicant the enrolment notice in relation to which the application is made.

(2) Any such application may be made by delivering notice thereof, in the form set out in Part I of the Schedule to this order or in a form substantially to the like effect, to a local office of the Ministry of Labour and National Service at any time.

(3) Subject to the provisions of Part VII of the National Service (Armed Forces) (Miscellaneous) Regulations, 1939, as applied by this order, any person authorised in that behalf by the said local authority shall be entitled to be heard before the Committee on the application. [465]

2.—(1) The tribunal to which an appeal under paragraph (9) of Article 4 of the Civil Defence Duties (Compulsory Enrolment) Order, 1941, may be made shall be the Military Service (Hardship) Committee for the district being, or comprising the whole or any part of, the area of the local authority from whose decision the appeal is brought.

(2) Any such appeal may be made by delivering notice thereof, in the form set out in Part II of the Schedule to this order or in a form substantially to the like effect, to a local office of the Ministry of Labour and National Service within fifteen days from the date of the decision appealed against, or within such further period as the said Committee in special circumstances may allow.

(3) Subject to the provisions of Part VII of the National Service (Armed Forces) (Miscellaneous) Regulations, 1939, as applied by this order, any person authorised in that behalf by the said local authority shall be entitled to be heard before the Committee on the appeal. [466]

3.—(1) The tribunal to which an application under paragraph (3) (d) of Article 3 of the Fire Prevention (Business Premises) Order, 1941, may be made shall be the Military Service (Hardship) Committee for the district in which the applicant is required to perform the duties with respect to which the application is made.

(2) Any such application may be made by delivering notice thereof, in the form set out in Part III of the Schedule to this order or in a form substantially to the like effect, to a local office of the Ministry of Labour and National Service at any time.

(3) Subject to the provisions of Part VII of the National Service (Armed Forces) (Miscellaneous) Regulations, 1939, as applied by this order—

(a) the occupier of the premises at which the applicant is required to perform the duties with respect to which the application is made; or any person authorised by him in that behalf; and

- (b) any person authorised in that behalf by the local authority for the area in which those premises are situated ;

shall be entitled to be heard before the Committee on the application. [467]

4. The provisions of Part VII of the National Service (Armed Forces) (Miscellaneous) Regulations, 1939, as amended by any subsequent Regulations for the time being in force, shall apply, in so far as they relate to the procedure of Military Service (Hardship) Committees, to the procedure of those Committees under this order with the following modifications, that is to say—

- (a) references to an applicant shall be construed as including references to a person appealing under paragraph (9) of Article 4 of the Civil Defence Duties (Compulsory Enrolment) Order, 1941 ;

- (b) Regulation fifteen shall have effect as if there were inserted at the end thereof the following paragraph :—

“(2) Such notice as aforesaid shall also be sent to any local authority or other person entitled to be heard before the Committee on the application or appeal ” ;

- (c) in Regulation eighteen the reference to the Minister shall be construed as a reference to any local authority or other person entitled to be heard by the Committee on the application or appeal ;

- (d) Regulation twenty-two shall have effect as if the words from “ but ” to the end of the Regulation were omitted. [468]

5. In any case where an application is made under paragraph (2) of Article 4 of the Civil Defence Duties (Compulsory Enrolment) Order, 1941, or paragraph (3) (d) of Article 3 of the Fire Prevention (Business Premises) Order, 1941, on the ground of medical unfitness, the Committee may require the applicant to submit to such medical examination as may be directed by the Committee and, if he fails to do so within such time as the Committee may fix, the Committee may dismiss the application. [469]

6. An order by the Committee for exemption or release from duties may be made so as to have effect either without limit of time or subject to such limit of time as the Committee may determine. [470]

7. In this order the expression “ local authority ” has the same meaning as in the Civil Defence Duties (Compulsory Enrolment) Order, 1941, and the expression “ Military Service (Hardship) Committee ” means a committee appointed under Part II of the Schedule to the National Service (Armed Forces) Act, 1939. [471]

8. This order may be cited as the Civil Defence Duties (Exemption Tribunals) Order, 1941. [472]

* * * * *

SCHEDULE

PART I

Form of notice of application under paragraph (2) of Article 4 of the Civil Defence Duties (Compulsory Enrolment) Order, 1941

APPLICATION No.....

DEFENCE (GENERAL) REGULATIONS

PART-TIME CIVIL DEFENCE DUTIES

NOTICE OF APPLICATION FOR EXEMPTION FROM ENROLMENT OR FOR RELEASE
FROM DUTIES

(NOTE.—This form should be completed by the applicant and returned as soon as possible to a local office of the Ministry of Labour and National Service.

Any person who makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, will be liable to severe penalties.)

(1) Name in full

(Surname first in Block Capitals.)

(2) Home address in full

(3) Local Authority by which registered or enrolled

(4) (a) Date of registration (if not enrolled)

(b) Date of enrolment (if enrolled)

I hereby apply { *for exemption from enrolment
*for release from the following duties }

for the following period on the following grounds :—

* (a) Duties from which release is desired

.....

(b) Grounds of application

.....

(c) Period for which exemption or release is desired

Sign here.....

Date

NOTE.—If you wish, you may enclose a medical certificate or obtain on the back of this form a signed statement by another person in confirmation of the facts stated by you at (b) above.

CONFIRMATORY STATEMENT

.....

.....

* Delete if not applicable.

PART II

Form of notice of appeal under paragraph (9) of Article 4 of the Civil Defence Duties (Compulsory Enrolment) Order, 1941

APPEAL No.

DEFENCE (GENERAL) REGULATIONS

PART-TIME CIVIL DEFENCE DUTIES

NOTICE OF APPEAL FROM REFUSAL OF LOCAL AUTHORITY TO GRANT EXEMPTION
FROM REGISTRATION ON RELEASE FROM DUTIES ON CHANGE OF RESIDENCE

(NOTE.—The Committee may refuse to hear the appeal if this notice is not completed by the applicant and returned so as to reach a local office of the Ministry of Labour and National Service not later than fifteen days from the date of the refusal of the local authority against which the appeal is brought.

Any person who makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, will be liable to severe penalties.)

(1) Name in full

(Surname first in Block Capitals.)

(2) Present home address in full

(3) Date of refusal of the local authority against which the appeal is brought

.....

I hereby appeal against the refusal of the

Council to grant me { *exemption from registration
*release from the following duties }

on the following grounds :—

* (a) Duties from which release is desired.....

.....

(b) Grounds of application

.....

Sign here.....

Date.....

NOTE.—If you wish, you may obtain on the back of this form a signed statement by another person in confirmation of the facts stated by you at (b) above.

CONFIRMATORY STATEMENT

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* Delete if not applicable.

PART III

Form of notice of application under paragraph (3) (d) of Article 3 of the Fire Prevention (Business Premises) Order, 1941

APPLICATION No.

DEFENCE (GENERAL) REGULATIONS

FIRE PREVENTION (BUSINESS) PREMISES

NOTICE OF APPLICATION FOR EXEMPTION

(NOTE.—This form should be completed by the applicant and returned as soon as possible to a local office of the Ministry of Labour and National Service.

Any person who makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, will be liable to severe penalties.)

(1) Name in full.....

(Surname first in Block Capitals.)

(2) Home address in full.....

(3) (a) Premises where duty is to be performed.....

(b) Name of employer at those premises.....

I hereby apply for exemption from the following duties for the following period on the following grounds :—

(a) Duties from which exemption is desired.....

(b) Grounds of application

.....

.....

(c) Period for which exemption is desired.....

Sign here.....

Date.....

NOTE.—If you wish, you may enclose a medical certificate or obtain on the back of this form a signed statement by another person in confirmation of the facts stated by you at (b) above.

CONFIRMATORY STATEMENT

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[473]

THE CIVIL DEFENCE DUTIES (EXEMPTION TRIBUNALS) (NO. 2) ORDER, 1941

S. R. & O., 1941, No. 1413

September 12, 1941

In pursuance of the powers conferred upon me by Regulation 26A, 27A and 38 of the Defence (General) Regulations, 1939, I hereby order as follows :—

1. In paragraph (1) of Article 3 of the Civil Defence Duties (Exemption Tribunals) Order, 1941, in Article 5 of the said Order and in Part III of the Schedule to the said Order, for the words “ paragraph (3) (d) of Article 3 of the Fire Prevention (Business Premises) Order, 1941,” there shall be substituted the words “ paragraph (a) of the proviso to paragraph (1) of Article 4 of the Fire Prevention (Business Premises) (No. 2) Order, 1941.” [474]

2.—(1) This Order may be cited as the Civil Defence Duties (Exemption Tribunals) (No. 2) Order, 1941.

(2) This Order shall come into operation on the twenty-second day of September, nineteen hundred and forty-one. [475]

* * * * *

THE FIREMEN (EMPLOYMENT AND OFFENCES) ORDER, 1941

S. R. & O., 1941, No. 453

April 1, 1941

In pursuance of the powers conferred on me by Regulation 29B of the Defence (General) Regulations, 1939, I hereby order as follows :—

1. Subject as hereinafter provided, any person who is on or after the date of this Order in the service of a local authority and employed as—

- (i) a member of a fire brigade, or
- (ii) a member of the Auxiliary Fire Service,

is required to continue in his employment until his services are dispensed with in accordance with the provisions of Article 2 of this Order. [476]

2. The services of any person in the service of a local authority and employed as aforesaid may be dispensed with—

- (i) in a case where the person has given notice of his desire that his services should be dispensed with, by the Secretary of State or
 - (a) if the person is a member of a fire brigade by the chief officer of that fire brigade ;
 - (b) if he is a member of the Auxiliary Fire Service and attached to a fire brigade, by the chief officer of that brigade or, where that brigade is a police brigade under the control of a chief officer of police, by the chief officer of police ; or
 - (c) if he is a member of the Auxiliary Fire Service and is not attached to any fire brigade, by the person designated by the local authority in whose service he is to discharge the functions of the chief officer of the fire brigade under Part II of the Schedule to the Auxiliary Fire Service (Discipline) Rules, 1940 ; or

- (ii) in any other case, under and in accordance with the provisions of any statute, statutory rule or contract of service relating to the employment or with any rule of law by the authority or person having power to terminate the employment. [477]

3. Subject as hereinafter provided, paragraph (1A) of Regulation 29B of the said Regulations (which paragraph relates to disobedience to lawful orders and absence from duty) shall apply to any person in the service of a local authority and employed as aforesaid. [478]

4. This Order shall not apply to a person who is employed as aforesaid without remuneration or to a person who is not employed as aforesaid whole-time. [479]

5.—(1) This Order may be cited as the Firemen (Employment and Offences) Order, 1941.

(2) So much of the Police and Firemen (Employment) Order, 1940, as relates to persons employed as members of a fire brigade or of the Auxiliary Fire Service is hereby revoked.

(3) This Order shall not extend to Scotland. [480]

* * * *

THE AUXILIARY FIRE SERVICE (DISCIPLINE) (LONDON) RULES, 1941

S. R. & O., 1941, No. 662

May 12, 1941

In pursuance of the powers conferred upon me by paragraph (2A) of Regulation 28 and by Regulation 38 of the Defence (General) Regulations, 1939, I hereby make the following Rules :—

1. Members of the auxiliary fire service in the service of the London County Council shall be subject to the code of offences against discipline set out in Part I of the Schedule to these Rules, and the rules of procedure set out in Part II of the said Schedule shall apply in the case of any such member as aforesaid who is charged with any such offence and the offence shall be punishable as therein provided. [481]

2. The Auxiliary Fire Service (Discipline) Rules, 1940, shall not apply to any person to whom these Rules apply. [482]

3.—(1) In the Schedule to these Rules the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“ auxiliary ” means a member of the auxiliary fire service to whom these Rules apply ;

“ the Service ” means the London Fire Service, consisting of the London Fire Brigade and members of the auxiliary fire service in the service of the London County Council.

(2) In the Schedule to these Rules references to the Officer Commanding the Service shall, in the event of a vacancy in the office or the absence or incapacity of the Officer Commanding the Service, be construed as references to the person who is for the time being acting as the Officer Commanding the Service. [483]

4. These Rules may be cited as the Auxiliary Fire Service (Discipline) (London) Rules, 1941. [484]

* * * *

SCHEDULE

PART I

Code of Offences against Discipline

An auxiliary commits an offence against discipline if he is guilty of—

- (1) disobedience to orders, that is to say, if he disobeys, or without sufficient cause fails to carry out, any lawful order, whether in writing or not ;
- (2) insubordination, that is to say, if he is insubordinate to an officer of a fire brigade or of the auxiliary fire service ;
- (3) abuse of authority, that is to say, if he abuses his authority by oppressive conduct towards a member of the auxiliary fire service of lower rank ;
- (4) neglect of duty, that is to say, if he—
 - (a) without sufficient cause fails to attend to, or carry out, his duty promptly and diligently ;
 - (b) by carelessness or neglect suffers any loss, damage or injury to occur to any person or property ;
 - (c) without permission or sufficient cause leaves his station or place of duty ;
 - (d) fails to report any matter which it is his duty to report ; or
 - (e) fails to make an entry, which it is his duty to make, in any book or document ;
- (5) falsehood, that is to say, if he—
 - (a) knowingly makes any false or misleading statement, whether in writing or not, in the course of his duty ; or
 - (b) without sufficient cause, destroys or mutilates any official book or document or alters or erases any entry therein ;
- (6) breach of confidence, that is to say, if he divulges any matter which it is his duty to keep secret ;
- (7) corrupt practice, that is to say, if he—
 - (a) improperly uses his position as a member of the auxiliary fire service for his private advantage ; or
 - (b) fails to account for, or to make a prompt and true return of, any money or property which comes into his possession in the course of his duty ;
- (8) absence from duty, that is to say, if he, without reasonable excuse, is absent from duty or is late for any parade, drill or other attendance ;
- (9) damage to clothing or personal equipment, that is to say, if he—
 - (a) wilfully or negligently damages any article of clothing or personal equipment with which he has been provided or entrusted or if he fails to take proper care thereof ; or
 - (b) fails to report any damage to or loss of any article of clothing or personal equipment, however caused ;
- (10) drunkenness, that is to say, if, when on duty or when liable to be called upon for duty, he is unfit for duty through drink ; or
- (11) discreditable or disorderly conduct, that is to say, if he—
 - (a) acts in a disorderly manner or in any manner prejudicial to discipline ;
 - (b) while on duty, or while off duty in uniform in a public place, is without reasonable excuse dirty or untidy in his person, clothing or personal equipment ; or
 - (c) acts in a manner likely to bring discredit on the reputation of the Service.

PART II

Rules of Procedure relating to Offences against Discipline, and Punishments

1.—(1) Where a Station Officer or a District Officer considers that an auxiliary should be charged with an offence against discipline, being an offence as defined in the code set out in Part I of this Schedule, he shall as soon as possible prefer against the auxiliary a charge for that offence on a charge sheet.

(2) The charge so preferred shall contain such particulars, including details as to time and place, as will leave the accused under no misapprehension regarding the allegations against him.

2. The accused shall, unless it is impracticable so to do by reason of his absence from duty without permission or otherwise, be furnished with a copy of the charge sheet, and the nature of the charge shall be carefully explained to him.

3.—(1) The accused shall be ordered to complete the copy of the charge sheet by stating thereon whether he admits or denies the charge and the names, addresses and descriptions of any witnesses to material facts whom he may desire to give evidence on his behalf at the hearing of the charge, and he shall be allowed to attach to the said copy any explanation in writing which he may wish to offer.

(2) The accused shall be ordered to return the said copy duly completed together with his explanation in writing, if any, to the officer by whom the charge was preferred within forty-eight hours of the said copy having been furnished to him or within such further time as may be allowed by the officer preferring the charge.

4. After the return by the accused of the copy of the charge sheet or in the event of his failing to return the said copy in accordance with the provisions of the last foregoing paragraph, he shall, unless an Authority specified in the first column of the table appended to this Part of this Schedule (hereinafter referred to as "the Table") is satisfied with the explanation which he has offered, be ordered to appear before an Authority so specified at the hearing of the charge.

5.—(1) The accused shall be allowed to have a member of the Service, being a member of a rank below the rank of the officer hearing the charge, selected by himself, to assist him in presenting his case at the hearing.

(2) The accused shall be entitled to hear the evidence given against him and to have an opportunity of cross-examining the witnesses and of calling witnesses in his defence.

(3) Where the accused has, in accordance with the provisions of paragraph 3 of this Part of this Schedule, given notice of the name of any witness whom he desires to give evidence on his behalf, the witness shall, if he is a member of the Service, be ordered to attend at the hearing of the charge or, if he is not such a member, be given due notice that his attendance is desired and of the time and place of the hearing.

6. If, by reason of the absence of the accused from duty without permission or otherwise, it has not been practicable to furnish him with a copy of the charge sheet in accordance with the provisions of paragraph 2 of this Part of this Schedule, or if he refuses or without good and sufficient cause fails to attend at the time and place appointed for the hearing of the charge against him, or if at that time he is serving a term of penal servitude, imprisonment or detention, the charge may be heard and determined by an Authority specified in the first column of the Table in his absence.

7.—(1) The Authority, by which a charge for an offence against discipline is heard, may—

- (a) dismiss the charge ;
- (b) award in respect of any one offence one of the punishments specified in the second column of the Table opposite to that Authority ; or
- (c) if the Authority is not a Headquarters Board, refer the charge to a higher Authority specified in the first column of the Table for hearing ;

Provided that—

- (i) a stoppage of pay in respect of any one offence shall not continue after the expiration of three months from the date of the award or of the decision of any appeal therefrom, as the case may be, and the amounts of any stoppages (whether in respect of one or more offences) shall not exceed in the aggregate in any week one-seventh of the weekly pay of the offender ; and

- (ii) additional duty in respect of one or more offences shall not exceed in any week twelve hours.

(2) The decision of the Authority by which a charge is heard shall be endorsed on the charge sheet and shall as soon as possible be notified in writing to the offender.

(3) Where the award is a recommendation of dismissal or of termination of contract of service, the recommendation shall be made to the Officer Commanding the Service who, after taking into consideration any representations in writing made to him by the offender within three clear days of the award having been notified to him, may dismiss him or otherwise terminate the contract of service or may award any punishment which a Headquarters Board might have awarded if the charge had been heard by the Board or take no action upon the recommendation.

8.—(1) An auxiliary who feels aggrieved by an award of punishment in respect of an offence against discipline shall—

- (a) in the case of an award by an Authority other than a Headquarters Board, on giving within three clear days of the award having been notified to him in writing to the Senior Divisional Officer or, in the event of the absence of the Senior Divisional Officer, to such senior officer of the Service as the Officer Commanding the Service may appoint for the purpose, be entitled to appeal against the award to a Headquarters Board constituted in accordance with paragraph 9 of this Part of this Schedule ;
- (b) in the case of an award by a Headquarters Board, on giving within the like time notice in writing to the Officer Commanding the Service, be entitled to appeal against the award to the Officer Commanding the Service.

(2) A Headquarters Board or the Officer Commanding the Service in determining any such appeal as aforesaid may—

- (a) allow the appeal ;
- (b) dismiss the appeal ; or
- (c) substitute for the punishment awarded any other punishment (whether more or less severe) which a Headquarters Board might have awarded had the charge been heard by the Board and, if the appeal is heard by the Officer Commanding the Service, dismissal or other termination of contract of service.

(3) Paragraphs 5 and 6 of this Part of this Schedule shall, subject to any necessary modification, apply to the hearing of any appeal.

9.—(1) A Headquarters Board shall consist of a President and of two advisory members.

(2) The President shall be the Senior Divisional Officer or, in the event of his absence, such senior officer of the Service as the Officer Commanding the Service may appoint.

(3) The advisory members shall be the Divisional Officer, Headquarters, and a Superintendent stationed at Headquarters, provided that, in the event of the absence of the Divisional Officer, Headquarters, or of his acting as President, the Officer Commanding the Service may appoint a senior officer of the Service to act as an advisory member in his place.

(4) The advisory members shall assist the President on such matters as he may consult them, but otherwise all matters shall be determined by the President.

10.—(1) A Superintendent in charge of a district or an officer of higher rank may suspend from duty an auxiliary against whom a report or complaint suggesting the commission of an offence against discipline has been made, and the suspension from duty may continue until the conclusion of the disciplinary proceedings.

(2) An auxiliary who has been suspended from duty shall not be entitled in respect of the period of suspension to any pay, but shall be paid a suspension allowance at such rate, being a rate of not less than one-half nor more than two-thirds of his pay, as an Officer Commanding a Division may determine.

(3) Where an auxiliary who has been suspended from duty is reinstated without having been found guilty of any offence against discipline, he shall receive, in respect of the period of suspension, the pay which he would, but for the suspension, have received less the amount of any sums paid to him by way of suspension allowance.

11. Nothing in these Rules shall prejudice or affect any right of the London County Council or the Officer Commanding the Service to dismiss or otherwise terminate the contract of service of, an auxiliary.

TABLE

Authority empowered to hear charges of offences against discipline.	Powers of punishment.
A District Officer	(i) Reprimand. (ii) Additional duty not exceeding two hours. (iii) Stoppage of pay not exceeding 2s. 6d.
A Chief Superintendent or Superintendent.	(i) Reprimand. (ii) Additional duty not exceeding twelve hours. (iii) Stoppage of pay not exceeding £1. (iv) Recommendation of dismissal or of termination of contract of service.
An Officer Commanding a Division or a Divisional Officer acting as his deputy.	(i) Reprimand. (ii) Additional duty not exceeding forty-eight hours. (iii) Stoppage of pay. (iv) Reduction in rank. (v) Recommendation of dismissal or of termination of contract of service.
A Headquarters Board constituted in accordance with paragraph 9 of Schedule.	(i) Reprimand. (ii) Additional duty not exceeding forty-eight hours. (iii) Stoppage of pay. (iv) Reduction in rank. (v) Recommendation of dismissal or of termination of contract of service.

[485]

THE DEFENCE (PALACE OF WESTMINSTER FIRE PREVENTION) REGULATIONS, 1941

S. R. & O., 1941, No. 757

May 30, 1941

At the Court at Buckingham Palace, the 30th day of May, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. These Regulations may be cited as the Defence (Palace of Westminster Fire Prevention) Regulations, 1941. [486]

2.—(1) All male British subjects who for the time being are employed, whether by the Crown or any other person, at the Royal Palace of Westminster (hereafter in these Regulations referred to as "the Palace") and are not exempted by these Regulations shall—

- (a) perform such fire prevention duties at the Palace as may be allotted to them in accordance with arrangements made by the fire committee for the purpose of securing that fires, occurring at the Palace as the result of hostile attack will be immediately detected and combated ; and
- (b) comply with such directions as may be given to them in accordance with the said arrangements defining the duties to be performed by them and the time, place and manner of their performance :

Provided that the periods for which the said duties are required to be performed by any person shall not in the aggregate exceed forty-eight hours in each month.

(2) Before making any such arrangements, the fire committee shall consult with the persons employed at the Palace or with their representatives, and the said arrangements shall secure, so far as possible, that the persons on whom duties are imposed by this Regulation shall share those duties equally between them.

(3) No person shall be entitled to any remuneration for the performance of duties imposed on him by this Regulation. [487]

3.—(1) In these Regulations the expression “ the fire committee ” means a committee appointed by the Lord Great Chamberlain and consisting of such number of persons as he may from time to time determine.

(2) The fire committee shall have power to act notwithstanding a vacancy among the members thereof, and at any meeting of the committee two, or such greater number as the committee may determine, shall be a quorum.

(3) The Lord Great Chamberlain may fill up any vacancies among the members of the fire committee.

(4) Before appointing the fire committee or filling up any vacancy among the members thereof or determining the number of the members thereof, the Lord Great Chamberlain shall consult the Lord Chancellor, the Speaker of the House of Commons and the Minister of Works and Buildings. [488]

4.—(1) The following persons shall be exempt from the duties imposed by Regulation two of these Regulations, namely—

- (a) persons who have not attained the age of eighteen years or have attained the age of sixty years ;
- (b) members of the Home Guard, members of the Royal Observer Corps and constables ;
- (c) persons employed at the Palace on such terms that normally the number of hours in each week for which they are required by those terms to work at the Palace, or any other place where Parliament is sitting for the time being, is less than the number of hours for which they are so required to work elsewhere.

(2) A person who holds a certificate from a local authority that on the eighteenth day of January, nineteen hundred and forty-one he had undertaken to perform civil defence duties in the area of that authority for periods amounting in the aggregate to not less than forty-eight hours in each month shall be exempt from the duties imposed by Regulation two of these Regulations so long as he continues to perform civil defence duties in that area for such periods. [489]

5.—(1) Any person may apply to the Military Service (Hardship) Committee for the district comprising the Palace for exemption from all or any of the duties imposed by Regulation two of these Regulations on the ground that he is medically unfit to perform them or that it would be an exceptional hardship for him to be required to perform them.

(2) Any such application may be made by delivering a notice, in the form set out in the Schedule to these Regulations or in a form substantially to the like effect, to a local office of the Ministry of Labour and National Service at any time.

(3) Subject to the provisions of Part VII of the National Service (Armed Forces) (Miscellaneous) Regulations, 1939, as applied by these Regulations, any person authorised in that behalf by the fire committee shall be entitled to be heard before the Military Service (Hardship) Committee on any such application.

(4) The provisions of Part VII of the National Service (Armed Forces) (Miscellaneous) Regulations, 1939, as amended by any subsequent Regulations for the time being in force, shall apply, so far as they relate to Military Service (Hardship) Committees, to the procedure of such a Committee under this Regulation with the following modifications, that is to say,—

(a) Regulation fifteen shall have effect as if there were inserted at the end thereof the following paragraph :—

“ Such notice as aforesaid shall also be sent to the fire committee within the meaning of the Defence (Palace of Westminster Fire Prevention) Regulations, 1941.”

(b) in Regulation eighteen the reference to the Minister shall be construed as a reference to the fire committee ;

(c) Regulation twenty-two shall have effect as if the words from “ but ” to the end of the Regulation were omitted.

(5) In any case where an application is made to a Military Service (Hardship) Committee under this Regulation on the ground of medical unfitness, that Committee may require the applicant to submit to such medical examination as may be directed by that Committee and, if he fails to do so within such time as that Committee may fix, that Committee may dismiss the application.

(6) An order made by a Military Service (Hardship) Committee for exemption from the duties imposed by Regulation two of these Regulations shall have effect either without limit of time or subject to such limit of time as that Committee may determine. [490]

6. The provisions of Part V of the Defence (General) Regulations, 1939, shall apply for the purpose of the enforcement of these Regulations, and otherwise in relation thereto, as if in the said Part V and in the Second Schedule to those Regulations any reference to those Regulations included a reference to these Regulations. [491]

7.—(1) In these Regulations the following expressions have the following meanings :—

“ civil defence duties ” means duties the performance of which a local authority is required or authorised to organise in the discharge of functions conferred or imposed on it by the Air-Raid Precautions Act, 1937, or the Civil Defence Act, 1939, or Part II of the Defence (General) Regulations, 1939, or any functions relating to the extinction of fire whether exercisable under those Acts or that Part of those Regulations or otherwise ;

“ fire prevention duties ” means the duties of keeping a watch for the fall of incendiary bombs, taking such steps as are immediately practicable to combat a fire caused by such bombs and summoning such assistance as may be necessary, and includes the duty of being in readiness to perform any such duties as aforesaid ;

“Military Service (Hardship) Committee” means a Committee appointed under Part II of the Schedule to the National Service (Armed Forces) Act, 1939.

(2) For the purposes of these Regulations, references to persons employed at the Palace shall include references to persons employed on terms which require them to be present during the sittings of Parliament or any part thereof at any place where Parliament is sitting for the time being. [492]

* * * * *

SCHEDULE

Form of notice under Regulation 5 (2)

Application No.....

DEFENCE (PALACE OF WESTMINSTER FIRE PREVENTION) REGULATION, 1941

Notice of Application for Exemption

(NOTE.—This form should be completed by the applicant and returned as soon as possible to a local office of the Ministry of Labour and National Service.

Any person who makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, will be liable to severe penalties.)

(1) Name in full
(Surname first in Block Capitals.)

(2) Home address in full.....

I hereby apply for exemption from the following duties for the following period on the following grounds :—

(a) Duties from which exemption is desired

(b) Period for which exemption is desired

(c) Grounds of application

.....
.....

Sign here.....

Date.....

NOTE.—If you wish, you may enclose a medical certificate or obtain on the back of this form a signed statement by another person in confirmation of the facts stated by you at (c) above.

CONFIRMATORY STATEMENT

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.....

[493]

THE NATIONAL SERVICE (CIVIL DEFENCE FORCE) ORDER, 1941

S. R. & O., 1941, No. 775

May 29, 1941

In pursuance of the power conferred on me by subsection (1) of section 12 of the National Service Act, 1941, I hereby order as follows :—

1. The organisation referred to in the Schedule to this Order is hereby declared to be a civil organisation established for forestalling or mitigating attacks by the enemy and a civil defence force for the purposes of the National Service Act, 1941. [494]

2. This Order may be cited as the National Service (Civil Defence Force) Order, 1941. [495]

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SCHEDULE

Auxiliary Fire Service

[496]

THE DEFENCE (NATIONAL FIRE SERVICE) REGULATIONS, 1941

S. R. & O., 1941, No. 1133

August 5, 1941

At the Court at Buckingham Palace, the 5th day of August, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of section one of the Emergency Powers (Defence) Act, 1939, and of that section as extended to the Isle of Man by the Emergency Powers (Isle of Man) (Defence) Order in Council, 1939, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered that the following Regulations shall have effect :—

1.—(1) These Regulations may be cited as the Defence (National Fire Service) Regulations, 1941.

(2) The Interpretation Act, 1889, applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament. [497]

2. Any Fire Service or Force constituted under the Fire Services (Emergency Provisions) Act, 1941, may, notwithstanding that that Act is declared not to extend to Northern Ireland, be employed in Northern Ireland and may also be employed in the Isle of Man and on ships and vessels at sea, and the Regulations under that Act may make provision for the employment of any such Service or Force accordingly. [498]

3. Without prejudice to the generality of the provisions of the Fire Services (Emergency Provisions) Act, 1941, the Regulations under that Act may make provision—

- (a) for requiring members of any Fire Service or Force constituted under that Act to continue in their employment and for their punishment on summary conviction for disobedience to orders and absence from duty ;
- (b) for requiring or empowering a local authority (as defined by the said Act) in such circumstances as may be specified in the Regulations, to make to, or to the wives or dependants of, persons who have been in their employment or members of a police force maintained by them, and who subsequently become members of any such Service or Force, payments corresponding to those which they would have been required or empowered to make in the case of persons in their employment or members of that police force ;

and may contain such incidental and supplementary provisions as appear necessary or expedient for the purposes of the Regulations. [499]

4. Members of a police force who have at any time since the passing of the said Act been members of a fire brigade shall be fire personnel within the meaning of the said Act. [500]

* * * * *

ORDER IN COUNCIL AMENDING REGULATION 2 OF THE DEFENCE (NATIONAL FIRE SERVICE) REGULATIONS, 1941

S. R. & O., 1941, No. 2054

December 18, 1941

At the Court at Windsor Castle, the 18th day of December, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered that at the end of Regulation two of the Defence (National Fire Service) Regulations, 1941, there shall be added the following paragraph :—

“(2) The said Regulations may also make provision for the employment of any such Service or Force on any work intended to promote the efficiency of the Service or Force or of civil defence, or to forestall or mitigate the effects of enemy action, notwithstanding that the work is of a nature not usually undertaken by fire brigades.” [501]

* * * * *

THE NATIONAL FIRE SERVICE (GENERAL) REGULATIONS, 1941

S. R. & O., 1941, No. 1134

August 5, 1941

In pursuance of the powers conferred upon me by the Fire Services (Emergency Provisions) Act, 1941, I hereby make the following Regulations:—

PART I

Preliminary

1.—(1) These Regulations may be cited as the National Fire Service (General) Regulations, 1941.

(2) The Interpretation Act, 1889, applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament. [502]

2.—(1) Any of the powers of the Secretary of State under the subsequent provisions of these Regulations may, to such extent as the Secretary of State may from time to time direct and subject always to the terms of any such directions, be exercised by the Regional Commissioner.

(2) There may be appointed by the Secretary of State, in any Region, a Chief Regional Fire Officer and such other staff to assist the Regional Commissioner in the exercise of his functions under these Regulations as the Secretary of State may think fit.

(3) If the Secretary of State thinks fit so to direct as respects any Region, any powers conferred by these Regulations specifically on the Regional Commissioner shall either not be exercisable by the Regional Commissioner or be exercised by the Secretary of State instead of by the Regional Commissioner.

(4) The Regional Commissioner shall, both as respects the powers exercisable by him by virtue of paragraph (1) of this Regulation and as respects the powers specifically conferred upon him by the subsequent provisions of these Regulations, be subject to the direction of the Secretary of State. [503]

PART II

Establishment and Organisation of National Fire Service

3.—(1) During the period of the present emergency, there shall be a National Fire Service in Great Britain, to be set up and maintained on behalf of the Crown by the Secretary of State, for the extinction of fires, and the protection of life and property in case of fire, in Great Britain.

(2) The National Fire Service may also be employed—

(a) for the extinction of fires, and the protection of life and property in case of fire, in Northern Ireland and the Isle of Man, and in ships and vessels at sea; and

(b) whether in Great Britain or in Northern Ireland or the Isle of Man or on any ship or vessel at sea, for any rescue or salvage work for which their fire appliances are suitable. [504]

4.—(1) In each of the Fire Areas specified in the First Schedule to these Regulations, there shall be a Fire Force consisting of members of the National Fire Service.

(2) Each Fire Force shall be under the command of a Fire Force Commander who, subject to the direction of the Regional Commissioner (exercised either through the Chief Regional Fire Officer or otherwise) and of the Secretary of State, shall be in control, and responsible for the working and efficiency, of his Force, and shall in particular, but without prejudice to the generality of the foregoing words—

- (a) determine the number and position of the stations and depots to be maintained for the purposes of his Force and the number and nature of the personnel by which they are to be manned ;
- (b) post members of his Force to stations or depots so maintained and assign them their duties ;
- (c) be responsible for the operations, the training and the welfare of his Force ;
- (d) be responsible for the maintenance and care of equipment and appliances at the disposal of his Force.

(3) The Secretary of State may, as respects any Fire Force, if it appears to him to be expedient by reason of a vacancy or for any other reason, direct that for such period as may be specified in the directions all or any of the functions of the Fire Force Commander in command of the Force shall be exercisable by some other person, whether or not a member of the National Fire Service.

(4) In the event of a vacancy in the post of the Fire Force Commander in command of a Fire Force, or in the event of such a Fire Force Commander being unable to act owing to illness or absence, his functions shall, unless there is some person authorised and able to exercise them under paragraph (3) of this Regulation, be exercisable by such officer of the Force as may have been designated as his deputy by the Secretary of State, or if there is no such officer or if he is unable to act, by the senior officer who is a member of that Force and is able to act.

(5) In these Regulations, " Fire Force Commander " means, in relation to a Fire Force or any of the members thereof, the Fire Force Commander in command of that Force or the person (whatever his rank, if any, in the National Fire Service) by whom the functions of the Fire Force Commander in command of that Force are for the time being exercisable under the foregoing provisions of this Regulation.

(6) Nothing in this Regulation shall be construed as requiring every member of the National Fire Service to be a member of one of the Fire Forces mentioned in this Regulation, and, in particular, such of the persons employed in England and Wales or, as the case may be, in Scotland, on duties in connection with central or Regional organisation or supply, or with inspection or training, as are members of the National Fire Service need not be members of any such Force. [505]

5.—(1) There shall be such Reserve Stations in Great Britain as appear to the Secretary of State to be necessary or expedient for supplementing the forces available at any place for dealing with fires, and for providing training for members of the National Fire Service.

(2) Each Reserve Station shall be under the command of a member of the National Fire Service, who shall be designated by the Regional Commissioner and shall be subject to the direction of the Regional Commissioner (exercised either through the Chief Regional Fire Officer or otherwise) and of the Secretary of State.

(3) Nothing in this or the last preceding Regulation shall prevent the Secretary of State from establishing such other stations for the purpose of providing reinforcements or training, or for any other special purpose, as he

thinks fit, and those stations shall be under the command of such members of the National Fire Service, acting under the direction of such persons, as the Secretary of State may think fit. [506]

6.—(1) Members of the National Fire Service may be employed either whole time or part time, and, whether employed whole time or part time, may be firemen (or firewomen) with ranks in the National Fire Service or may be persons not holding any rank therein, and any references in these Regulations to a fireman shall, unless the context otherwise requires, be construed as a reference to a member, whether male or female, of the National Fire Service holding a rank therein.

(2) The ranks of male firemen shall be, in order of seniority, the following :—

Chief Regional Fire Officer.
Fire Force Commander.
Assistant Fire Force Commander.
Divisional Officer.
Column Officer.
Senior Company Officer.
Company Officer.
Section Leader.
Leading Fireman.
Fireman.

(3) The ranks of firewomen shall be, in order of seniority, the following :—

Senior Area Officer.
Assistant Area Officer.
Group Officer.
Assistant Group Officer.
Leading Firewoman.
Firewoman.

(4) The Secretary of State may create such additional ranks as he considers necessary and assign to them their seniority.

(5) A fireman shall obey the orders—

- (a) of any fireman of superior rank, whether or not he belongs to the same or any Fire Force ; and
- (b) of any other person, whether or not a member of the National Fire Service, under whose orders he is placed by the Secretary of State, by the Regional Commissioner, by his Fire Force Commander (if any) or by any other person competent to give him orders. [507]

7.—(1) Persons may be appointed members of the National Fire Service—

- (a) whether or not as firemen and whether or not as members of a Fire Force, by the Secretary of State ; and
- (b) as firemen in a Fire Force, by the Fire Force Commander.

(2) A fireman may be promoted—

- (a) whether or not he is a member of a Fire Force, to any rank by the Secretary of State ; and
- (b) if he is a member of a Fire Force—
 - (i) to be Divisional Officer, Column Officer, Senior Area Officer or Assistant Area Officer, by the Regional Commissioner ; and
 - (ii) to any rank below that of Column Officer or Assistant Area Officer, by the Fire Force Commander,

and any power conferred by this paragraph to promote to any rank includes a power to reduce from that rank to any lower rank :

Provided that no fireman shall be reduced from any rank under this paragraph except with his own consent or during the first six months of his service in that rank.

(3) Any member of the National Fire Service may be discharged by the Secretary of State, and firemen in any Fire Force may also be discharged—

- (a) in the case of Divisional Officers, Column Officers, Senior Area Officers and Assistant Area Officers, by the Regional Commissioner ; and
- (b) in the case of ranks below Column Officer or Assistant Area Officer, by the Fire Force Commander ;

Provided that—

- (i) a member of a Fire Force who has not attained the age of sixty shall not be discharged by the Regional Commissioner without the concurrence of the Secretary of State, or by the Fire Force Commander without the concurrence of the Regional Commissioner, except with his own consent, or, in the case of a member other than a member transferred to the National Fire Service by virtue of these Regulations, during the first six months of his service ; and
 - (ii) nothing in this paragraph affects the provisions of the Second Schedule to these Regulations relating to dismissal for disciplinary offences.
- (4) A fireman—
- (a) may be appointed or transferred to or from any Fire Force by the Secretary of State either temporarily or permanently ;
 - (b) if he is a member of a Fire Force, may be temporarily posted by the Fire Force Commander to a Reserve Station or any other station established whether for training or other purposes ;

Provided that the powers conferred by this paragraph shall not be exercised in relation to any part time fireman without his consent. [508]

8.—(1) Any fireman may be ordered to go, for any purpose connected with the execution of his duty, to any place in the United Kingdom or the Isle of Man, and, for the purpose of dealing with an actual outbreak of fire or for other rescue or salvage work for which the fire appliances of the National Fire Service are suitable, to any ship or vessel at sea :

Provided that, in the case of a part-time fireman, this paragraph shall have effect subject to the proviso to Regulation 12 (4) of these Regulations, and in no event shall a part-time fireman be required to go outside his own Fire Area without his consent.

(2) Any whole-time fireman who—

- (a) disobeys any lawful order given to him as such ; or
- (b) without reasonable excuse is absent from any place at a time when it is his duty as such to be there,

shall, on summary conviction, be liable to imprisonment for a term not exceeding one month, or to a fine not exceeding ten pounds, or to both such imprisonment and such fine.

(3) Every fireman shall be subject to the provisions of the Second Schedule to these Regulations (which relates to discipline).

(4) A whole-time fireman shall continue as such in the National Fire Service unless dismissed or discharged therefrom in accordance with these Regulations, and any purported resignation shall be inoperative.

(5) Subject to the provisions of these Regulations, the provisions of the Third Schedule to these Regulations shall have effect as respects the pay and other conditions of service of firemen. [509]

9. The National Fire Service shall be a civil defence organisation for the purposes of the Personal Injuries (Emergency Provisions) Act, 1939, and the Personal Injuries (Civilians) Scheme, 1941, and that Act and that Scheme shall have effect accordingly. [510]

10.—(1) The National Fire Service shall be a civil defence force for the purposes of the National Service Act, 1941, and accordingly any person called up, or liable to be called up, for civil defence under that Act may be required by a notice served thereunder to serve with the National Fire Service.

(2) A person required by any such notice to serve with the National Fire Service shall, so long as he is required so to serve, be a whole-time fireman therein, and these Regulations shall apply to him accordingly, and shall so apply in lieu of the provisions of paragraphs (c) to (i) of subsection (1) of section three of the National Service Act, 1941.

(3) Notwithstanding anything in these Regulations, a member of the National Fire Service who is serving therewith by virtue of a notice served on him under the National Service Act, 1941, may be served with a further notice thereunder requiring him to serve with some other civil defence force, and on the further notice taking effect shall cease to be a member of the National Fire Service.

(4) Without prejudice to the proviso to Regulation 7 (3) of these Regulations, a person serving with the National Fire Service by virtue of a notice served on him under the National Service Act, 1941, shall not be discharged from the National Fire Service without the consent of the Secretary of State, and a sentence of dismissal awarded for an offence against discipline shall unless and until it is confirmed by the Secretary of State, operate only to suspend him from duty; but if he is discharged or dismissed from the National Fire Service in accordance with this paragraph, he shall be deemed also to have been discharged from the service of the Crown under section three of the said Act. [511]

PART III

Transfer of Personnel and Property from Local Authorities

11. In this Part of these Regulations, "the appointed day" means such day as the Secretary of State may fix either generally or in relation to any particular Fire Area, "local authority" means, in relation to any Fire Area, the local authority for any part of that Area, and "fire brigade" means the London Fire Brigade or any fire brigade maintained by a local authority under the Fire Brigades Act, 1938, together with, in either case, any part of the Auxiliary Fire Service, or of any Women's Auxiliary Fire Service, employed therewith. [512]

12.—(1) Subject to the provisions of this Regulation, on the appointed day all persons who immediately before that day were fire personnel employed by, or serving under the directions of, a local authority shall, by virtue of these Regulations and without more, be transferred to and become members of the National Fire Service, and of the Fire Force for the Area.

(2) Nothing in this Regulation shall operate to transfer—

(a) any member of a police force within the meaning of the Police Pensions Act, 1921, unless immediately before he would otherwise have been transferred, he was a member of a fire brigade

employed whole time on fire brigade duties as defined in section seventeen of the Fire Brigades Act, 1938 ; or

- (b) any person as respects whom it is agreed between the Regional Commissioner and the local authority that since the 3rd September, 1939, he has been employed mainly on duties other than fire brigade duties as so defined ;

Provided that, where a member of a police force has at any time since the 22nd May, 1941, been a member of a fire brigade employed whole time on fire brigade duties as so defined, but has ceased before the appointed day to be a member of a fire brigade so employed, the Secretary of State may direct that he shall be transferred to the National Fire Service on such day as may be specified in the direction, and he shall be transferred accordingly, and shall on transfer become a member of such Fire Force, if any, as may be so specified.

(3) The Secretary of State may direct, in relation to any person who would otherwise have been transferred on the appointed day to the National Fire Service, that he shall be transferred thereto on such earlier day as may be specified in the direction, and he shall be transferred accordingly and shall on transfer become a member of such Fire Force, if any, as may be so specified.

(4) Persons transferred by virtue of these Regulations to the National Fire Service shall become whole time or part time members thereof according as, before their transfer, they were whole time or part time fire personnel, and shall, if before their transfer they were members of a fire brigade or of the Auxiliary Fire Service or any Women's Auxiliary Fire Service, become firemen in the National Fire Service :

Provided that a person so transferred who becomes a part-time member of the National Fire Service shall not be required, without his consent, to serve in any place where he could not have been so required to serve if the Fire Services (Emergency Provisions) Act, 1941, had not been passed.

(5) Where any person who on transfer becomes a fireman in a Fire Force had, before his transfer, committed any offence against discipline, then—

(a) if proceedings had been taken and any stoppage of pay or additional duty had been awarded by way of punishment for that offence, so much of that punishment as had not already been suffered by him shall, unless the Fire Force Commander otherwise directs, be suffered after his transfer as if the offence had been committed against the Second Schedule to these Regulations ;

(b) if proceedings are pending or had not been taken in respect of the offence and the offence is one which if committed after the transfer would have been an offence against the said Second Schedule, any pending proceedings shall lapse and proceedings may be taken in respect thereof as if it had been so committed, but the Fire Force Commander may give directions for enabling any pending proceedings to be carried on as if these Regulations had not been made, or may direct that no further proceedings shall be taken in respect of the offence. [513]

13. Notwithstanding his transfer to the National Fire Service, every person transferred thereto by virtue of these Regulations, otherwise than by the direction of the Secretary of State, shall, until a post in the Fire Force or elsewhere in the National Fire Service, and, if he is a fireman, a rank in that Service, is assigned to him under these Regulations, continue to hold the same rank and to have the same pay, emoluments and allowances, and, unless the Fire Force Commander otherwise directs, to have the same duties, as immediately before his transfer, so however that every member of a Fire

Force is subject to the orders of the Fire Force Commander, and, if a fireman, to discipline as a member of the National Fire Service (including the liability to reduction in rank and stoppage of pay). [514]

14.—(1) Where a person called up for civil defence under the National Service Act, 1941, is transferred to the National Fire Service by virtue of these Regulations, he shall for the purposes of subsection (1) of section three of that Act and of these Regulations be treated as having been served with a notice under paragraph (b) of that subsection notifying him that he is to serve with the National Fire Service.

(2) Any enrolment notice under the said Act requiring a person to present himself to a local authority at a time falling on or after the appointed day for service with the Auxiliary Fire Service shall have effect as an enrolment notice under that Act requiring him to present himself in accordance with the terms of the notice, and at the time and place specified therein, to the Fire Force Commander of the Fire Force in the Fire Area in which that place is situated, for service with the National Fire Service. [515]

15.—(1) On the appointed day any statutory obligation of a local authority to make provision for the extinction of fires and the protection of life and property in case of fire shall, save as provided in these Regulations, be suspended during the period of the present emergency, and accordingly—

(a) their rights and obligations against such of the persons employed by them as are transferred to the National Fire Service shall be similarly suspended, subject, however, to the provisions of any Regulations made under the Fire Services (Emergency Provisions) Act, 1941, relating to preservation of pension rights and similar matters;

(b) any contract made by the local authority with any person for the provision by the local authority of the services of their fire brigade shall be treated as frustrated as from the appointed day.

(2) Unless and until arrangements to the contrary are made between the local authority and the Regional Commissioner, all property which—

(a) immediately before the appointed day was used or appropriated or intended for use by the local authority for the purposes of their fire brigade; or

(b) is acquired by them after that date under a contract entered into for those purposes before that date,

shall as from the appointed day or the acquisition thereof, as the case may be, be taken for the purposes of the National Fire Service and may be used and dealt with in connection with the Service as if it were the property of the Crown:

Provided that, subject to the terms of any such arrangements as aforesaid or to any directions of the Regional Commissioner, the local authority shall continue to act in relation to the care and maintenance of any such property while it is being used by the National Fire Service, and in relation to the construction of any buildings which are under construction when taken under this paragraph, as if the use thereof by the National Fire Service were the use thereof by the local authority's own fire brigade, or, as the case may be, as if those buildings were being constructed for the purposes of that fire brigade.

(3) Nothing in this Regulation shall render invalid any rights or obligations of any local authority, whether acquired or incurred under any statute or by contract or otherwise, notwithstanding that they were acquired or incurred for the purposes of their fire brigade, other than rights and obligations to which paragraph (1) of this Regulation applies; and any obligation

under any statute or trust to pay any sum or apply any fund towards the expenses of a local authority in providing a fire brigade shall continue as if the local authority still were providing that brigade, and as if any contributions by the local authority to the expenses of the National Fire Service were expenses of the local authority in providing that brigade; and the local authority shall act in relation to any rights and obligations to which this paragraph applies in accordance with such directions as may be given to them by the Regional Commissioner.

(4) Without prejudice to the foregoing provisions of this Regulation, any local authority may at any time after the making of this Regulation make with the Secretary of State or the Regional Commissioner arrangements for the performance by the local authority or their officers, as agents, of such functions in connection with the National Fire Service as may be specified in the arrangements, or for rendering any property of the local authority available for the purposes of the National Fire Service, for whatever purpose that property was acquired or appropriated by them, and notwithstanding any restriction imposed on the use thereof, whether by any Act or instrument or otherwise. [516]

PART IV

Miscellaneous Provisions

16. The following persons, that is to say—

- (a) all members of the National Fire Service; and
- (b) all persons employed by a local authority for the purposes of a fire brigade wholly on duties in connection with the construction, repair or maintenance of fire engines, or of vehicles, appliances or equipment used for fire brigade purposes; and
- (c) all members of any Women's Auxiliary Fire Service who are not fire personnel by virtue of paragraph (b) of subsection (3) of section two of the Fire Services (Emergency Provisions) Act, 1941;

are hereby declared to be fire personnel for the purposes of the said Act. [517]

17.—(1) The provisions of the Fire Brigades Act, 1938, set out, with adaptations and modifications, in the Fourth Schedule to these Regulations shall, as so set out, apply in relation to the National Fire Service and members thereof.

(2) During the period of the present emergency the provisions of sections thirty-eight, thirty-nine and forty-three of the Waterworks Clauses Act, 1847 (which require undertakers to provide and maintain fire hydrants) as incorporated with or applied by any enactment with or without modifications, and as amended by or under subsection (2) of section two of the Fire Brigades Act, 1938, shall have effect as if for the references to the fire authority there were substituted references to the Regional Commissioner, and as if the distances and places at which fire hydrants are required to be placed were to be determined by the Regional Commissioner; and nothing in these Regulations shall affect the obligations of a fire authority under section forty of the Waterworks Clauses Act, 1847, as so incorporated or applied and as so amended.

(3) Notwithstanding anything in these Regulations a local authority shall continue during the period of the present emergency to perform their functions under section three of the Fire Brigades Act, 1938, so, however, that they shall perform those functions in accordance with such directions as may be given to them by the Regional Commissioner and that no person shall be entitled to appeal under the proviso to subsection (1) of that section without the consent of the Regional Commissioner. [518]

18. Any member of a police force within the meaning of the Police Pensions Act, 1921, who is transferred by virtue of these Regulations to the National Fire Service shall on his transfer cease to be a constable, but if, within two months from the day when he ceases to be a member of the National Fire Service, he resumes service as a constable, it shall not be necessary for him, notwithstanding anything in any enactment, to make any declaration required to be made by him on accepting office as a constable. [519]

19. Where the Secretary of State is satisfied that a member of a police force or a person employed by a local authority, not being, in either case, a person transferred by virtue of these Regulations to the National Fire Service, has, by reason of these Regulations, suffered a loss of emoluments, the Secretary of State may, with the approval of the Treasury, make to him a periodical payment or a lump sum payment in respect of that loss. [520]

* * * * *

FIRST SCHEDULE

FIRE AREAS

PART I

England and Wales

[References to counties are references to administrative counties. For the purposes of this Part of this Schedule, the boundaries of any area therein referred to shall be taken to be the boundaries thereof as altered from time to time.]

REGION 1

Fire Area 1

The county boroughs of Gateshead, Newcastle-upon-Tyne, South Shields, Sunderland, and Tynemouth.

The county of Northumberland.

The county of Durham excluding the part in Fire Area 2.

Fire Area 2

The county boroughs of Darlington, Middlesbrough, and West Hartlepool.

The county of York, North Riding.

The following districts in the county of Durham. *Boroughs* : Hartlepool, Stockton-on-Tees. *Urban Districts* : Barnard Castle, Billingham, Bishop Auckland, Shildon, Spennymoor. *Rural Districts* : Barnard Castle, Darlington, Sedgfield, Stockton.

REGION 2

Fire Area 3

The county boroughs of Barnsley, Doncaster, Rotherham, and Sheffield.

The following districts in the county of York, West Riding. *Urban Districts* : Adwick-le-Street, Bentley with Arksey, Conisborough, Cudworth, Darfield, Darton, Dearne, Dodworth, Hoyland Nether, Maltby, Mexborough, Penistone, Rawmarsh, Royston, Stocksbridge, Swinton, Tickhill, Wath-upon-Deane, Wombwell, Worsborough. *Rural Districts* : Doncaster, Kiveton Park, Penistone, Rotherham, Thorne, Wortley.

Fire Area 4

The county boroughs of Dewsbury, Leeds, and Wakefield.

The following districts in the county of York, West Riding. *Boroughs* : Batley, Harrogate, Morley, Ossett, Pontefract, Pudsey. *Urban Districts* : Aireborough, Castleford, Featherstone, Garforth, Heckmondwike, Hemsworth, Horbury, Horsforth, Knaresborough, Knottingley, Mirfield, Normanton, Rothwell, Spenborough, Stanley. *Rural Districts* : Hemsworth, Nidderdale, Osgoldcross, Tadcaster, Wakefield, Wetherby.

Fire Area 5

The county boroughs of Bradford, Halifax, and Huddersfield.

The following districts in the county of York, West Riding. *Boroughs* : Brighouse, Keighley, Ripon, Todmorden. *Urban Districts* : Baildon, Barnoldswick, Bingley, Colne Valley, Denby Dale, Denholme Earby, Elland, Hebden Royd, Holmfirth, Ilkley, Kirkburton, Meltham, Otley, Queensbury and Shelf, Ripponden, Saddleworth, Shipley, Silsden, Skipton, Sowerby Bridge. *Rural Districts* : Bowland, Hepton, Ripon and Pateley Bridge, Sedbergh, Settle, Skipton, Wharfedale.

Fire Area 6

The county boroughs of Kingston-upon-Hull and York.

The county of York, East Riding.

The following districts in the county of York, West Riding. *Borough* : Goole. *Urban District* : Selby. *Rural Districts* : Goole, Selby.

REGION 3

Fire Area 7

The county borough of Derby.

The county of Derby, excluding the boroughs of Buxton and Glossop, the urban districts of New Mills and Whaley Bridge, and the rural districts of Blackwell and Chapel-en-le-Frith.

Fire Area 8

The county borough of Nottingham.

The county of Nottingham.

The rural district of Blackwell in the county of Derby.

Fire Area 9

The county boroughs of Leicester and Northampton.

The counties of Leicester, Northampton and the Soke of Peterborough.

The county of Rutland, excluding the rural district of Ketton.

Fire Area 10

The county boroughs of Grimsby and Lincoln.

The counties of Lincoln, Parts of Holland, Lincoln, Parts of Kesteven, and Lincoln, Parts of Lindsey.

The rural district of Ketton, in the county of Rutland.

REGION 4

Fire Area 11

The county borough of Southend-on-Sea.

The county of Essex, excluding the part in Fire Area 33.

Fire Area 12

The counties of Bedford, Cambridge, the Isle of Ely, and Huntingdon.

The county of Hertford, excluding the part in Fire Area 33.

The urban district of Newmarket in the county of West Suffolk.

Fire Area 13

The county boroughs of Great Yarmouth, Ipswich and Norwich.

The counties of Norfolk and East Suffolk.

The county of West Suffolk, excluding the urban district of Newmarket.

REGION 5

Fire Area 33

[See at end of this Part of this Schedule.]

REGION 6

Fire Area 14

The county borough of Portsmouth.

The county of the Isle of Wight.

The county of Southampton, excluding the part in Fire Area 16.

Fire Area 15

The county boroughs of Oxford and Reading.

The counties of Berks, Buckingham and Oxford.

Fire Area 16

The county boroughs of Bournemouth and Southampton.

The county of Dorset.

The following districts in the county of Southampton. *Boroughs*: Andover, Christchurch, Eastleigh, Lymington, Romsey, Winchester. *Rural Districts*: Andover, New Forest, Ringwood and Fordingbridge, Romsey and Stockbridge, Winchester.

REGION 7

Fire Area 17

The county boroughs of Bath, Bristol and Gloucester.

The counties of Gloucester and Wilts.

The following districts in the county of Somerset. *Borough*: Weston-super-Mare. *Urban Districts*: Clevedon, Frome, Keynsham, Norton-Radstock, Portishead. *Rural Districts*: Axbridge, Bathavon, Clutton, Frome, Long Ashton.

Fire Area 18

The urban district of Bude-Stratton, and the rural district of Stratton, in the county of Cornwall.

The following districts in the county of Devon. *Boroughs*: Barnstaple, Bideford, Great Torrington, South Molton. *Urban Districts*: Holsworthy, Ilfracombe, Lynton, Northam. *Rural Districts*: Barnstaple, Bideford, Broadwoodwider, Holsworthy, South Molton, Torrington.

The county of Somerset, excluding the part in Fire Area 17.

Fire Area 19

The county boroughs of Exeter and Plymouth.

The county of Cornwall, excluding the urban district of Bude-Stratton and the rural district of Stratton.

The county of Devon, excluding the part in Fire Area 18.

REGION 8

Fire Area 20

The county boroughs of Cardiff, Merthyr Tydfil, and Newport.

The county of Monmouth.

The following districts in the county of Brecknock. *Urban District*: Brynmawr. *Rural Districts*: Crickehowell, Vaynor and Penderyn.

The county of Glamorgan, excluding the part in Fire Area 21.

Fire Area 21

The county borough of Swansea.

The counties of Carmarthen and Pembroke.

The following districts in the county of Brecknock. *Borough*: Brecknock. *Rural Districts*: Brecknock, Ystradgynlais.

The borough of Cardigan, and the rural district of Teifiside, in the county of Cardigan.

The following districts in the county of Glamorgan. *Boroughs*: Neath, Port Talbot. *Urban Districts*: Glyncoirwg, Llwelhr. *Rural Districts*: Gower, Neath, Pontardawe.

Fire Area 22

The counties of Anglesey, Caernarvon, Denbigh, Flint, Merioneth, Montgomery and Radnor.

The following districts in the county of Brecknock. *Urban Districts* : Builth Wells, Hay, Llanwrtyd Wells. *Rural Districts* : Builth, Hay.

The county of Cardigan, excluding the borough of Cardigan, and the rural district of Teifi-side.

REGION 9

Fire Area 23

The county borough of Worcester.

The county of Hereford.

The following districts in the county of Warwick. *Boroughs* : Royal Leamington Spa, Stratford-upon-Avon, Warwick. *Urban District* : Kenilworth. *Rural Districts* : Alcester, Shipston-on-Stour, Southam, Stratford-upon-Avon, Warwick.

The county of Worcester, excluding the part in Fire Area 24.

Fire Area 24

The county boroughs of Birmingham, Coventry, Dudley, Smethwick, Walsall, West Bromwich, and Wolverhampton.

The following districts in the county of Stafford. *Boroughs* : Bilston, Rowley Regis, Tipton, Wednesbury. *Urban Districts* : Aldridge, Amblecote, Brierley Hill, Brownhills, Cannock, Coseley, Darlaston, Sedgeley, Tettenhall, Wednesfield, Willenhall. *Rural Districts* : Cannock, Seisdon.

The following districts in the county of Warwick. *Boroughs* : Nuneaton, Rugby, Sutton Coldfield. *Urban Districts* : Bedworth, Solihull. *Rural Districts* : Atherstone, Meriden, Rugby.

The following districts in the county of Worcester. *Boroughs* : Halesowen, Oldbury, Stourbridge. *Urban Districts* : Bromsgrove, Redditch. *Rural District* : Bromsgrove.

Fire Area 25

The county boroughs of Burton-on-Trent, and Stoke-on-Trent.

The county of Salop.

The county of Stafford, excluding the part in Fire Area 24.

The rural district of Tamworth, in the county of Warwick.

REGION 10

Fire Area 26

The county boroughs of Birkenhead, Bootle, Chester, Liverpool, St. Helens, Southport, Wallasey and Warrington.

The following districts in the county of Chester. *Boroughs* : Bebington, Congleton, Crewe. *Urban Districts* : Alsager, Ellesmere Port, Hoole, Hoylake, Middlewich, Nantwich, Neston, Northwich, Runcorn, Sandbach, Winsford, Wirral. *Rural Districts* : Chester, Congleton, Nantwich, Northwich, Runcorn, Tarvin.

The following districts in the county of Lancaster. *Boroughs* : Crosby, Widnes. *Urban Districts* : Formby, Haydock, Huyton-with-Roby, Litherland, Newton-le-Willows, Ormskirk, Prescot, Rainford. *Rural Districts* : Warrington, West Lancashire, Whiston.

Fire Area 27

The county boroughs of Manchester, Oldham, Rochdale, Salford, and Stockport.

The county of Chester, excluding the part in Fire Area 26.

The following districts in the county of Derby. *Boroughs* : Buxton, Glossop. *Urban Districts* : New Mills, Whaley Bridge. *Rural District* : Chapel-en-le-Frith.

The following districts in the county of Lancaster. *Boroughs* : Ashton-under-Lyne, Eccles, Middleton, Mossley, Prestwich, Stretford, Swinton and Pendlebury. *Urban Districts* : Audenshaw, Chadderton, Crompton, Denton, Droydsden, Failsworth, Irlam, Lees, Littleborough, Milnrow, Royton, Urmston, Wardle, Whitefield, Whitworth. *Rural District* : Limehurst.

Fire Area 28

The county boroughs of Bolton, Burnley, Bury and Wigan.

The following districts in the county of Lancaster. *Boroughs* : Accrington, Bacup, Clitheroe, Colne, Farnworth, Haslingden, Heywood, Leigh, Nelson, Radcliffe, Rawtenstall. *Urban Districts* : Abram, Ashton-in-Makerfield, Aspull, Atherton, Barrowford, Billinge and Winstanley, Blackrod, Brierfield, Church, Clayton-le-Moors, Golborne, Great Harwood, Hindley, Horwich, Ince-in-Makerfield, Kearsley, Little Lever, Orrell, Oswaldtwistle, Padiham, Ramsbottom, Rishton, Skelmersdale, Standish-with-Langtree, Tettington, Trawden, Turton, Tyldesley, Upholland, Westhoughton, Worsley. *Rural Districts* : Burnley, Clitheroe, Wigan.

Fire Area 29

The county boroughs of Barrow-in-Furness, Blackburn, Blackpool, Carlisle, and Preston.

The counties of Cumberland and Westmorland.

The following districts in the county of Lancaster. *Boroughs* : Chorley, Darwen, Fleetwood, Lancaster, Lytham St. Anne's, Morecambe and Heysham. *Urban Districts* : Adlington, Carnforth, Dalton-in-Furness, Fulwood, Grange, Kirkham, Leyland, Longridge, Poulton-le-Fylde, Presall, Thornton Cleveleys, Ulverston, Walton-le-Dale, Withnell. *Rural Districts* : Blackburn, Chorley, Fylde, Garstang, Lancaster, Lunesdale, Preston, Ulverston.

REGION 12

Fire Area 30

The county borough of Canterbury.

The county of Kent, excluding the parts in Fire Arcas 31 and 33.

Fire Area 31

The county boroughs of Brighton, Eastbourne and Hastings.

The county of East Sussex.

The following districts in the county of Kent. *Boroughs* : Tenterden, Royal Tunbridge Wells. *Urban Districts* : Sevenoaks, Southborough, Tonbridge. *Rural Districts* : Cranbrook, Sevenoaks, Tenterden, Tonbridge.

The urban district of Caterham and Warlingham, and the rural district of Godstone, in the county of Surrey.

The urban districts of Shoreham-by-Sea and Southwick, in the county of West Sussex.

Fire Area 32

The county of West Sussex, excluding the urban districts of Shoreham-by-Sea and Southwick.

The following districts in the county of Surrey. *Boroughs* : Godalming, Guildford, Reigate. *Urban Districts* : Chertsey, Dorking, Egham, Farnham, Frimley and Camberley, Haslemere, Leatherhead, Walton and Weybridge, Woking. *Rural Districts* : Bagshot, Dorking and Horley, Guildford, Hambledon.

REGION 5

Fire Area 33

The counties of London and Middlesex.

The county boroughs of Croydon, East Ham and West Ham.

The following districts in the county of Essex. *Boroughs* : Barking, Chingford, Dagenham, Ilford, Leyton, Walthamstow, Wanstead and Woodford. *Urban Districts* : Chigwell, Waltham-Holy-Cross.

The following districts in the county of Hertford. *Urban Districts* : Barnet, Bushey, Cheshunt, East Barnet. *Rural District* : Elstree.

The following districts in the county of Kent. *Boroughs* : Beckenham, Bexley, Bromley, Erith. *Urban Districts* : Chislehurst and Sidcup, Crayford, Orpington, Penge.

The following districts in the county of Surrey. *Boroughs* : Barnes, Beddington and Wallington, Epsom and Ewell, Kingston-upon-Thames, Malden and Coombe, Mitcham, Richmond, Surbiton, Sutton and Cheam, Wimbledon. *Urban Districts* : Banstead, Carshalton, Coulsdon and Purley, Esher, Merton and Morden.

PART II

*Scotland*1. *Western (No. 1)*

The city of Glasgow and the counties of Lanark, Dumbarton, Stirling and Clackmannan.

2. *Western (No. 2)*

The counties of Renfrew, Ayr, Dumfries, Wigtown, Kirkcudbright, Bute and Argyll.

3. *South Eastern*

The city of Edinburgh and the counties of East Lothian, West Lothian, Midlothian, Roxburgh, Berwick, Selkirk and Peebles.

4. *Eastern*

The city of Dundee and the counties of Angus, Perth, Kinross and Fife.

5. *North Eastern*

The city of Aberdeen and the counties of Aberdeen, Kincardine, Banff and Moray.

6. *Northern*

The counties of Caithness, Sutherland, Ross and Cromarty, Inverness, Nairn, Orkney and Zetland. [521]

SECOND SCHEDULE

CODE OF DISCIPLINE

PART I

Code of offences against discipline

A fireman commits an offence against discipline if he is guilty of—

- (1) Disobedience to orders, that is to say, if he disobeys, or without sufficient cause fails to carry out, any lawful order, whether in writing or not ;
- (2) Insubordination, that is to say, if he is insubordinate to an officer of the National Fire Service ;
- (3) Abuse of authority, that is to say, if he abuses his authority by oppressive conduct towards a fireman of lower rank ;
- (4) Neglect of duty, that is to say, if he—
 - (a) without sufficient cause fails to attend to, or carry out, his duty promptly and diligently ; or
 - (b) by carelessness or neglect suffers any loss, damage or injury to occur to any person or property ; or
 - (c) without permission or sufficient cause leaves his station or place of duty ; or
 - (d) fails to report any matter which it is his duty to report ; or
 - (e) fails to make an entry, which it is his duty to make, in any book or document ;
- (5) Falsehood, that is to say, if he—
 - (a) knowingly makes any false or misleading statement, whether in writing or not, in the course of his duty ; or
 - (b) without sufficient cause, destroys or mutilates any official book or document or alters or erases any entry therein ;
- (6) Breach of confidence, that is to say, if he divulges any matter which it is his duty to keep secret ;
- (7) Corrupt practice, that is to say, if he—
 - (a) improperly uses his position as a member of the National Fire Service for his private advantage ; or

- (b) fails to account for, or to make a prompt and true return of, any money or property which comes into his possession in the course of his duties ;
- (8) Absence from duty, that is to say, if he, without reasonable excuse, is absent from duty or is late for any parade, drill or other attendance ;
- (9) Damage to clothing or personal equipment, that is to say, if he—
 - (a) wilfully or negligently damages any article of clothing or personal equipment with which he has been provided or entrusted or fails to take proper care thereof ; or
 - (b) fails to report any damage to or loss of any article of clothing or personal equipment, however caused ;
- (10) Drunkenness, that is to say, if, when on duty or liable to be called upon for duty, he is unfit for duty through drink ; or
- (11) Discreditable or disorderly conduct, that is to say, if he—
 - (a) acts in a disorderly manner or in any manner prejudicial to discipline ; or
 - (b) while on duty or while off duty in uniform in a public place, is without reasonable excuse dirty or untidy in his person, clothing or personal equipment ; or
 - (c) acts in a manner likely to bring discredit on the reputation of the National Fire Service.

PART II

Rules of procedure and punishments

1. Where, on consideration of a complaint or otherwise, the Fire Force Commander decides that a fireman in a Fire Force should be charged with an offence against discipline, being an offence as defined in the code set out in Part I of this Schedule, the Fire Force Commander shall as soon as possible cause him to be informed in writing of the charge together with such particulars, including details as to time and place, as will leave him under no misapprehension regarding the allegations against him.

2.—(1) The accused shall be ordered to state in writing whether he admits or denies the charge, and shall be allowed to give in writing any explanation which he may wish to offer.

(2) The accused shall be allowed to state the names and addresses of any witnesses to material facts whom he may desire to give evidence at the hearing of the charge.

(3) Any such witness who is a member of the National Fire Service shall be ordered to attend at the hearing of the charge, and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

3.—(1) If the accused denies the charge, he shall, unless the Fire Force Commander is satisfied with the explanation which he has offered, be ordered to appear before the Fire Force Commander at the hearing of the charge.

(2) The accused shall be entitled to hear the evidence given against him and to have an opportunity of cross-examining the witnesses and of calling witnesses in his defence.

4. An offence against discipline may be punished with—

- (1) dismissal ;
- (2) reduction in rank ;
- (3) stoppage of pay ;
- (4) additional duty ; or
- (5) reprimand ;

Provided that—

- (a) a stoppage of pay in respect of any one offence shall not continue after the expiration of three months from the date of the award of the punishment or of the decision of any appeal therefrom, as the case may be, and the amounts of any stoppages (whether in respect of one or more offences) shall not exceed in the aggregate in any week one-seventh of the weekly pay of the offender ; and

- (b) additional duty in respect of any one offence shall not exceed forty-eight hours, and in respect of one or more offences shall not exceed in any week twelve hours.

5. The Fire Force Commander shall, as soon as may be after the determination of a charge by him, cause his decision to be notified in writing to the accused and, except as otherwise provided in this Part of this Schedule, his decision shall be final.

6.—(1) Where a fireman in a Fire Force is, by a decision of the Fire Force Commander for an offence against discipline, dismissed or reduced in rank, he shall, on giving notice in writing to the Fire Force Commander within seven days of the decision being notified to him, be entitled to appeal to the Regional Commissioner against the decision.

(2) The Regional Commissioner shall, unless it appears to him that the case is of such a nature that it can properly be determined without taking oral evidence, and may in any case, appoint one or more persons to hold an inquiry and report to him, and shall, after considering, where an inquiry has been held, the report of the person or persons who held the inquiry, either—

- (a) allow the appeal ;
- (b) dismiss the appeal ; or
- (c) vary the punishment by substituting some greater or less punishment :

Provided that the Regional Commissioner may at any time remit a case for further consideration by the Fire Force Commander or, if any inquiry has been held, for further investigation by the person or persons who held the inquiry.

(3) Where an inquiry is held under this paragraph, the accused shall be entitled to have a person selected by himself (who need not be a member of the National Fire Service) to assist him in presenting his case.

(4) Any inquiry held under this paragraph shall be by way of re-hearing, and the procedure thereat shall, subject to the provisions of this Part of this Schedule and to any directions given by the Regional Commissioner, be such as the person holding the inquiry, or, if there are two or more such persons, the person presiding at the inquiry, may determine, and in particular any such inquiry may be held in private, and may be proceeded with in the absence of any party to the appeal so long as that party has had not less than seven days' notice of the time and place fixed for the holding of the inquiry.

7.—(1) The Fire Force Commander may delegate all or any of his functions under the foregoing provisions of this Part of this Schedule, either generally or in a particular case, to another officer of the Fire Force, not below the rank of Divisional Officer (or, where the accused is a woman, not below the rank of Assistant Area Officer) or (in either case) to a board consisting of two or more such officers ;

Provided that the powers of punishment of an officer or board to whom functions are delegated under this paragraph shall be subject to the following restrictions :—

- (i) no punishment shall be imposed other than—

- (a) stoppage of pay ;
- (b) additional duty ; or
- (c) reprimand ;

- (ii) the amount of any stoppage of pay imposed on an offender on the same occasion in respect of one or more offences shall not exceed twenty shillings, and the amount of additional duty imposed on an offender on the same occasion in respect of one or more offences shall not exceed twenty-four hours ; and
- (iii) any punishment imposed shall not be carried out until it has been confirmed, with or without modifications, by the Fire Force Commander, and for the purpose of proviso (a) to paragraph 4 of this Part of this Schedule the date of the confirmation shall be deemed to be the date of the award of the punishment.

(2) Any fireman in a Fire Force who feels aggrieved by a decision of an officer or board to whom functions have been delegated under this paragraph awarding punishment shall, on giving notice in writing to the Fire Force Commander within three clear days of the decision having been notified to him, be entitled to appear

before the Fire Force Commander to make representations against the confirmation of the punishment.

(3) Where a notice is given under sub-paragraph (2) of this paragraph, the power of the Fire Force Commander to confirm the punishment with modifications shall extend to increasing it; and where the punishment is increased to dismissal or reduction in rank, the fireman shall have the same rights of appeal under paragraph 6 of this Part of this Schedule as he would have had if the case had been dealt with in the first instance by the Fire Force Commander.

8. A fireman in a Fire Force shall be allowed to have another member of that Force, selected by himself, to assist him in presenting his case at the hearing of a charge against him or in making representations under the last foregoing paragraph against the confirmation of a punishment:

Provided that the member selected by a fireman to assist him in presenting his case at the hearing of a charge shall not be an officer of a rank equal or superior to that of the officer, or any of the officers, hearing the charge.

9. If a fireman in a Fire Force refuses or without sufficient cause fails to attend at the time and place appointed for the hearing of any charge or for making representations against the confirmation of a punishment, or if at that time he is serving a term of penal servitude or imprisonment or is otherwise in legal custody, the matter may be decided in his absence.

10. Nothing in the provisions of this Part of this Schedule shall prejudice any right apart from those provisions—

(a) to discharge any fireman or reduce him in rank; or

(b) to cause any fireman to be prosecuted for an offence without proceedings having been taken in accordance with this Part of this Schedule.

11. If in any particular case the Regional Commissioner so directs, the functions of the Fire Force Commander under this Part of this Schedule as respects the hearing and determination of charges or the confirmation of punishments shall be exercised by such other member of the National Fire Service (whether a fireman or not) as may be specified in the direction, and references to the Fire Force Commander in this Part of this Schedule shall be construed accordingly.

12. This Part of this Schedule applies to a fireman who is not a member of any Fire Force as it applies to a fireman in a Fire Force, but with the substitution for references to the Regional Commissioner of references to the Secretary of State, for references to the Fire Force Commander of references to such officer as may be designated by the Secretary of State in relation to any particular case or class of cases, and with such other adaptations and modifications, if any, as the Secretary of State may direct.

PART III

Provisions as to suspension

1. The Fire Force Commander, if it appears to him that an offence against discipline or a criminal offence may have been committed by a fireman who is a member of his Fire Force or is attached to his Fire Force, may suspend that fireman from duty.

2. Where a fireman is suspended from duty under this Part of this Schedule, the period of suspension shall continue until disciplinary or criminal proceedings in respect of that offence have been concluded or until it has been decided that such proceedings shall not be taken or shall be discontinued.

3. A fireman who has been suspended from duty (whether by virtue of Regulation 10 of these Regulations or under this Part of this Schedule) shall not be entitled in respect of the period of suspension to any pay but shall be paid such suspension allowance as may be directed by the Fire Force Commander, not being less than half his pay:

Provided that—

(a) if the suspension of a fireman under this Part of this Schedule terminates without his having been found guilty of an offence against discipline or convicted of a criminal offence, he shall receive, in respect of the period of suspension, the pay which he would, but for the suspension,

have received, less the amount of any sums paid to him by way of suspension allowance ;

- (b) where a fireman is found guilty of an offence against discipline, the award in respect of the offence may contain a direction that the fireman shall be treated as having been suspended only for a specified part of the period of his suspension under this Part of this Schedule, and where a fireman is convicted of a criminal offence, his Fire Force Commander may give a similar direction ; and where such a direction is given, the fireman shall receive, in respect of the remainder of that period of suspension, the sum which he would have received in respect thereof if he had not been found guilty or convicted.

4. The powers conferred by this Part of this Schedule may, without prejudice to any power of a Fire Force Commander to exercise those powers as respects any member of his Fire Force, be exercisable, in the case of a fireman stationed at or posted to a Reserve Station or other station for training or other purposes, and in the case of any fireman who is not a member of a Fire Force, by the Secretary of State or by such person, if any, as may be designated, either generally or specially, by the Secretary of State. [522]

THIRD SCHEDULE

CONDITIONS OF SERVICE

1.—(1) The rate of pay of whole-time male firemen shall be in accordance with the scale following :—

	£	s.	d.
Divisional Officer	600	0	0 per annum.
Column Officer	500	0	0 „
Senior Company Officer	400	0	0 „
Company Officer	350	0	0 „
Section Leader	5	15	0 per week.
Leading Fireman	4	0	0 „
Fireman, aged twenty or over	3	10	0 „
„ aged nineteen to twenty	3	0	0 „
„ aged eighteen to nineteen	2	10	0 „

(2) The rate of pay of whole-time firewomen shall be in accordance with the scale following :—

	£	s.	d.
Group Officer	250	0	0 per annum.
Assistant Group Officer	3	0	0 per week.
Leading Firewoman	2	14	0 „
Firewoman, aged eighteen or over	2	7	0 „

(3) Whole-time firemen (or firewomen) under the age of eighteen shall receive pay at the same rates as if they were civil defence volunteers not in the National Fire Service, and whole-time firemen (or firewomen) who are officers holding ranks other than those hereinbefore specified shall be paid at such rates as the Secretary of State may determine.

(4) Part-time firemen shall receive compensation for remunerative time actually lost by reason of their duties as firemen at a rate not exceeding in the case of men, 12s. per day or 70s. per week, or, in the case of women, 8s. per day or 47s. per week.

2. Firemen may be paid allowances in such circumstances, and on such conditions and at such rates as the Secretary of State may from time to time determine.

3. Subject to any general or special directions of the Secretary of State, the hours of duty of whole-time firemen in a Fire Force shall be—

- (a) in the case of whole-time male firemen aged eighteen or over, not less than seventy-two in any week ;
- (b) in the case of whole-time firewomen and of whole-time male firemen who have not attained the age of eighteen, not less than forty-eight in any week ;

but any whole-time firemen in a Fire Force shall be liable to be called on duty at any time :

Provided that (subject to the provisions of Part II of the Second Schedule to these Regulations relating to additional duty) a whole-time fireman shall be entitled in every week, or, if his hours of duty require him to be continuously on duty for periods of forty-eight hours, then in every period of three days, to a continuous rest period of twenty-four hours during which he shall not be liable to be called on duty except in an emergency.

4. Firemen, other than persons called up for civil defence under the National Service Act, 1941, shall have the same rights as respects sick leave, medical attention and hospital treatment as if they were civil defence volunteers not in the National Fire Service, and firemen called up as aforesaid shall have the same rights as respects the said matters as if they were not serving with the National Fire Service.

5. A whole time fireman shall be subject to such restrictions as to his place of residence and as to the undertaking of work outside his employment in the National Fire Service as may, in the interests of his efficiency as a fireman, be imposed upon him by or by the authority of his Fire Force Commander or, if he is not a member of a Fire Force, by or by the authority of the Secretary of State.

6. A fireman may be ordered to undergo at any time medical examination by a duly qualified medical practitioner appointed by or on behalf of the Secretary of State.

7. Articles of clothing, uniform or personal equipment issued to a fireman for the purpose of the National Fire Service shall not become his property and must be used by him only in the execution of his duty as a fireman and be returned by him when required or when he leaves the Service, and a fireman may be required to make good any loss of, or damage to, any such article unless the loss or damage occurred without his default.

8.—(1) The foregoing provisions of this Schedule shall apply to persons transferred by virtue of these Regulations to the National Fire Service, who immediately before their transfer were members of a fire brigade or a police force, subject to the modifications contained in this paragraph.

(2) The rate of pay for leading firemen shall be £5 5s. per week, or, in special cases, such higher rate as the Secretary of State may determine.

(3) The pay of a whole-time fireman shall not in any case be less than the pay to which he would have been entitled if he had remained a member of his brigade or force, and, where in that case he would have been entitled, in addition to his pay, to emoluments of any class, he shall receive the emoluments of that class approved by the Secretary of State as appropriate to his rank in the National Fire Service :

Provided that this sub-paragraph, so far as it relates to pay, shall cease to apply to any fireman who, at any time after he has become a fireman in the National Fire Service, is reduced in rank for an offence against discipline.

In this sub-paragraph the expression " emoluments " means emoluments of one of the following classes :—

- (a) free quarters, or an allowance in lieu thereof, or an allowance towards the cost of rent ;
- (b) light, or an allowance in lieu thereof ;
- (c) fuel, or an allowance in lieu thereof ;

and the pay to which a fireman would have been entitled as aforesaid shall be taken to be the pay to which he would have been so entitled if he had been actually provided with free quarters, light and fuel and if the appropriate deductions, if any, had been made from his pay in respect thereof, and the amount of any such deductions shall be treated as emoluments to which he would have been entitled in addition to his pay.

(4) There shall be paid to part-time firemen who immediately before their transfers were part-time regular firemen such sums, whether by way of pay or compensation for loss of time, as the Secretary of State may determine.

(5) A fireman, so long as he remains in the National Fire Service, shall be entitled, while incapacitated for duty by sickness or injury contracted or incurred without his default to receive his full pay, less the amount of any sums which he receives or is entitled to claim under the National Health Insurance Acts, 1936 to

1939, or under the Personal Injuries (Emergency Provisions) Act, 1939, in respect of that incapacity, and paragraph 4 of this Schedule shall not apply to him :

Provided that this sub-paragraph shall not apply to a fireman who immediately before his transfer was a temporary fireman, except as respects periods of sick leave equal to the periods of sick leave, if any, during which he would have been entitled, if he had remained a member of his brigade, to receive his full pay as such a member.

(6) A fireman, other than a fireman who immediately before his transfer was a temporary fireman, shall, while so incapacitated for duty as aforesaid, be entitled to receive, whether in hospital or otherwise, free medical attendance (including the supply of necessary medicines and drugs), so long as he remains in the National Fire Service :

Provided that where the fireman is being treated in hospital and the incapacity did not result from a war injury or war service injury as defined by the Personal Injuries (Emergency Provisions) Act, 1939, he shall contribute one shilling a day towards the cost of his maintenance and the amount of that contribution may be deducted from his pay.

9. Paragraph 8 of this Schedule shall apply also to persons becoming members of the National Fire Service otherwise than by virtue of a transfer under these Regulations if either—

- (a) immediately before they became such members, they were chief officers of police and did not, on becoming such members, retire on pension from their police forces ; or
- (b) at any time since the beginning of September, 1939, they were members of a fire brigade and, when they became members of the National Fire Service, were such persons as are mentioned in section one of the Police and Firemen (War Service) Act, 1939 (as amended or extended by or under any enactment) or section one of the Local Government Staffs (War Service) Act, 1939,

but as if any reference to transfer to the National Fire Service were a reference to ceasing to be a chief officer of police or to serve in a fire brigade, as the case may be.

10. In computing, for the purposes of this Schedule, the pay to which a whole-time fireman would have been entitled if he had remained a member of his brigade or force it shall be assumed—

- (a) that he would have continued to hold the same rank as that which he held when he ceased to be a member of his brigade or force ; and
- (b) that his rate or scale of pay would have remained the same ; and
- (c) that all necessary certificates as to efficiency and conduct would have been granted ; and
- (d) that he would have received any increments for long service which could have been granted to him but not any other discretionary increments :

Provided that where the local authority have, since he ceased to be a member of the brigade or force, increased the pay of any class of persons employed or paid by them, any resulting increase of pay which any such fireman as aforesaid would have received on the assumptions aforesaid as a member of that class, shall, to such extent, if any, as the Secretary of State may direct, be taken into account. [523]

FOURTH SCHEDULE

PROVISIONS OF FIRE BRIGADES ACT, 1938, APPLIED (WITH ADAPTATIONS AND MODIFICATIONS) TO NATIONAL FIRE SERVICE

1.—(4) The Fire Force Commander or any officer authorised in writing by him shall, for the purpose of obtaining information required for the purposes of his Fire Force with respect to the character of any buildings or other property, the available water supplies and the means of access thereto, and other material local circumstances, have the like powers of entering premises as are conferred upon authorised officers of councils by section two hundred and eighty-seven of the Public Health Act, 1936, and accordingly that section shall have effect as if the references to an authorised officer of a council included references to such an officer as aforesaid and as if among the purposes specified in subsection (1) of that section there were included the aforesaid purposes.

This subsection shall have effect as if section two hundred and eighty-seven of the Public Health Act, 1936, extended to the whole of Great Britain.

2.—(1) Without prejudice to any other powers exercisable by him or by any other person, whether by virtue of any enactment or otherwise, the Fire Force Commander in command of a Fire Force may authorise the placing on any wall or fence adjoining a street or public place, or elsewhere, of a notice or distinguishing mark indicating the situation of any fire-hydrant.

(7) The National Fire Service may use for the purposes of extinguishing fire any convenient or suitable supply of water.

14.—(1) Any member of the National Fire Service being on duty (as well as any police constable) may enter and if necessary break into any premises or place in the United Kingdom or the Isle of Man in which a fire has or is reasonably supposed to have broken out, or any premises or place which it is necessary to enter for the purpose of extinguishing a fire, without the consent of the owner or occupier thereof, and may do all such acts and things as he may deem necessary for extinguishing fire or for protecting from fire any such premises or place or rescuing any person or property therein.

(2) Any person who wilfully obstructs or interferes with any member of the National Fire Service engaged in operations for the extinction of a fire or the protection or rescue of any person or property from fire shall be liable on summary conviction to a fine not exceeding ten pounds.

(3) The officer of the National Fire Service who has charge of the operations for the extinction of a fire may require the water to be shut off from the mains or pipes in any area in order to give a greater supply and pressure of water for extinguishing the fire, and no authority or person shall be liable to any penalty or claim by reason of the interruption of a supply of water occasioned only by compliance with a request or requirement of an officer of the National Fire Service that the water shall be shut off from the mains and pipes in any area in order to give a greater supply and pressure of water for extinguishing a fire. [524]

THE NATIONAL FIRE SERVICE (FINANCIAL) REGULATIONS, 1941

S. R. & O., 1941, No. 1269

August 18, 1941

In pursuance of the powers conferred upon me by the Fire Services (Emergency Provisions) Act, 1941, I hereby make, with the consent of the Treasury, the following Regulations:—

Preliminary

1. These Regulations may be cited as the National Fire Service (Financial) Regulations, 1941. [525]

2. The Interpretation Act, 1889, applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament. [526]

Payments to local authorities

3.—(1) Subject to the provisions of this Regulation, the Secretary of State shall reimburse to every local authority all expenditure ascribable to any period since the beginning of July, 1941, in connection with—

(a) the provision of a fire brigade (including any part of the Auxiliary Fire Service, or of any Women's Auxiliary Fire Service), or of any local fire services within the meaning of the Fire Brigades Act, 1938; or

(b) the discharge of their functions as respects the National Fire Service.

(2) The following expenditure shall, notwithstanding anything in the preceding paragraph, not be reimbursed—

- (a) expenditure not recognised by the Secretary of State as being reasonable, and properly incurred ;
- (b) expenditure on or in connection with the payment of pensions or gratuities, including any contribution to pension funds ;
- (c) any expenditure in so far as the local authority is entitled to an indemnity in respect thereof under any insurance policy or otherwise ;
- (d) loan charges towards which a grant is payable out of moneys provided by Parliament under any enactment other than the Air-Raid Precautions Act, 1937 ;
- (e) where the amount of any loan raised to meet expenditure towards which a grant has been paid or is payable under that Act exceeded the difference between the amount of the expenditure and that of the grant, so much of the loan charges payable in respect of the loan as is attributable to the excess ;
- (f) expenditure on ambulance services.

(3) There shall be deducted from the amounts to be paid by the Secretary of State under this Regulation any sums ascribable to any period since the said beginning of July which are received by the local authority, whether under any enactment or under any agreement or otherwise, as a result of the provision of a fire brigade or of local fire services, including sums received from the Crown and sums received by way of rent, or as contributions towards the cost of the brigade or the services, or as income from the investment of any such contributions previously received, but excluding any sums received as rateable deductions from pay or contributions to a superannuation fund under any enactment relating to pensions.

(4) In ascertaining for the purposes of this Regulation how much of any expenditure or sum received is ascribable to a period since the said beginning of July—

- (a) in the case of any sum payable in respect of goods supplied or work done, there shall be treated as ascribable to any such period so much of the sum as represents goods supplied or work done since the said beginning of July, whenever the sum falls due or is paid ;
- (b) rent, rates, salaries and remuneration (other than weekly wages), insurance premiums, loan charges, and other periodical payments (not being payments in respect of goods supplied or work done) shall be deemed to accrue from day to day and shall be apportionable accordingly ;
- (c) any other sums shall be treated in such manner as the Secretary of State may determine.

(5) Where a local authority show to the satisfaction of the Secretary of State that, by reason of the use since the said beginning of July of any premises for the purposes of their fire brigade (including any part of the Auxiliary Fire Service, or of any Women's Auxiliary Fire Service), or for the purposes of the National Fire Service, they have been deprived of revenue which, if the premises had not been so used, they could reasonably have expected to derive from the premises, there may be included in the sums to be paid to them by the Secretary of State under this Regulation such sums, if any, in respect of that loss of revenue as the Secretary of State may determine. [527]

4.—(1) The Secretary of State shall pay to the London County Council and each local authority who maintained a fire brigade under the Fire

Brigades Act, 1938, such sums as may from time to time be agreed, or in default of agreement determined by the Secretary of State, in respect of any liability of the London County Council or, as the case may be, that authority in respect of pension rights and similar matters.

(2) The Secretary of State shall also pay over to the local authority in question any sums deducted from the pay of a member of the National Fire Service under Regulation 7 of the National Fire Service (Preservation of Pensions) (Act of 1925) Regulations, 1941, or any corresponding provision under any other Regulations made under the Fire Services (Emergency Provisions) Act, 1941, relating to the preservation of pensions. [528]

Payments by local authorities

5.—(1) Every local authority shall on the last days of June, September, December and March in every year pay to the Secretary of State a sum equal to three-sixteenths of the net cost, ascertained in accordance with this Regulation, to them of the provision of a fire brigade or other local fire services in the standard year, that is to say, as respects England and Wales the year ending on the 31st March, 1940, and as respects Scotland the local authority's financial year 1939—40.

(2) Subject to the next succeeding paragraph, the net cost to a local authority of the provision of a fire brigade or other local fire services in the standard year shall be ascertained as nearly as may be in the same manner, and subject to the same exceptions and deductions, as the expenditure of a local authority on those matters is to be ascertained under Regulation 3 of these Regulations :

Provided that—

- (a) all expenditure and receipts ascribable to any part of the Auxiliary Fire Service, or of any Women's Auxiliary Fire Service, shall be left out of account ;
- (b) in the case of the London County Council and each local authority who maintained a fire brigade under the Fire Brigades Act, 1938, there shall be taken into account, in such manner as may be agreed, or in default of agreement determined by the Secretary of State, the liability of the London County Council or, as the case may be, that authority in respect of pension rights and similar matters ;
- (c) such adjustments, if any, shall be made as the Secretary of State may direct for the purpose of taking into account in the standard year to the proper extent, and only to the proper extent, expenditure or receipts, whether in that or in any previous or subsequent year, which was or were non-recurrent or otherwise exceptional.

(3) Where it appears to the Secretary of State that a local authority who were in the standard year under a duty to provide a fire brigade did not perform, or did not properly perform, that duty, he may direct that the net cost to them of the provision of a fire brigade or other local fire services in that year shall, instead of being ascertained under the last preceding paragraph, be taken to be a specified sum, not exceeding twice the amount ascertained in accordance with sub-paragraph (b) of paragraph 3 of the Schedule to the Air-Raid Precautions Act, 1937, to be the produce of a rate of one penny in the pound for the standard year levied in the area of that authority.

(4) Paragraph (3) of this Regulation shall, in relation to Scotland, have effect as if for the reference to one penny in the pound there were substituted a reference to four-fifths of one penny in the pound, and as if for the reference

to sub-paragraph (b) of paragraph (3) of the Schedule to the Air-Raid Precautions Act, 1937, there were substituted a reference to the sub-paragraph substituted therefor by subsection (8) of section thirteen of that Act. [529]

Supplementary

6. Any sum payable by a local authority to the Secretary of State under these Regulations and not otherwise recovered shall, if the Secretary of State so directs, be set off against any sum payable by the Crown to the local authority. [530]

7. The local authority shall furnish to the Secretary of State such information and returns as to expenditure incurred and sums received by them in connection with the provision of a fire brigade or of local fire services in any period as the Secretary of State may require for the purposes of these Regulations. [531]

8. If the Secretary of State is satisfied that a local authority have failed since the beginning of July, 1941, to perform, or properly to perform, any duty imposed upon them under the Fire Services (Emergency Provisions) Act, 1941, or imposed upon them otherwise than under that Act in connection with the fighting of fires or the making of provision for facilitating the fighting thereof, the Secretary of State may direct that the whole or any part of any grant which would otherwise be payable by the Crown to the local authority shall not be payable. [532]

9.—(1) A local authority shall not be entitled to receive any payments by way of compensation or otherwise from the Crown in respect of anything done by virtue of powers conferred by the Fire Services (Emergency Provisions) Act, 1941, except so far as the contrary is agreed between them and the Secretary of State or some person acting with his authority.

(2) A local authority shall not be entitled to any grant under the Air-Raid Precautions Act, 1937, or otherwise in respect of expenditure for which they are reimbursed under these Regulations.

(3) These Regulations shall be without prejudice to any adjustment hereafter made by agreement or otherwise between the Secretary of State and any local authority, and, in particular, to any adjustment on the termination of the National Fire Service. [533]

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THE NATIONAL FIRE SERVICE (PRESERVATION OF PENSIONS) (ACT OF 1925) REGULATIONS, 1941

S. R. & O., 1941, No. 1268

August 18, 1941

In pursuance of the powers conferred on me by the Fire Services (Emergency Provisions) Act, 1941, I hereby make the following Regulations :—

1. These Regulations may be cited as the National Fire Service (Preservation of Pensions) (Act of 1925) Regulations, 1941. [534]

2. The Interpretation Act, 1889, applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament. [535]

3.—(1) These Regulations shall have effect in the case of any person, who is or has been at any time a whole-time member of the National Fire Service and who either—

- (a) was transferred thereto by virtue of the National Fire Service (General) Regulations, 1941, and immediately before his transfer was a whole-time member of a fire brigade ; or
- (b) was, when he became such a member of the National Fire Service, a person to whom sections one to six of the Police and Firemens (War Service) Act, 1939, as amended or extended by or under any enactment, applied in respect of his having ceased to serve as a member of a fire brigade :

Provided that these Regulations shall not have effect in the case of any person who—

- (i) gave a written notice under subsection (2) of section twenty-four of the Fire Brigade Pensions Act, 1925, or under subsection (3) of section seventeen of the Fire Brigades Act, 1938 ; or
- (ii) was a member of a police force within the meaning of the Police Pensions Act, 1921, or of the London, Birmingham, Leicester or West Ham fire brigades.

(2) In these Regulations—

“ the Act of 1939 ” means the Police and Firemen (War Service) Act, 1939, as amended or extended by or under any enactment ;

“ the Act of 1925 ” means the Fire Brigade Pensions Act, 1925, as amended or extended by or under any enactment (including the Act of 1939) ;

“ the local brigade ” and “ the local authority ” mean respectively, in relation to any person, the brigade from which he was so transferred as aforesaid (or, as the case may be, in which he so ceased to serve as aforesaid) and the local authority who maintained that brigade ;

“ certifying authority ” means, in relation to a member of a Fire Force, not being the Fire Force Commander, the Fire Force Commander, and in relation to any other member of the National Fire Service, the Secretary of State or such officer as the Secretary of State may depute ;

and other expressions have the same meanings as in the National Fire Service (General) Regulations, 1941. [536]

4. For the purposes of section one of the Act of 1939 and the Act of 1925, whole-time service in the National Fire Service shall be treated as if it were service in the local brigade, and the said section one and the Act of 1925 (except section one, which relates to compulsory retirement, and subsection (3) of section two, which relates to the retirement of chief officers) shall have effect accordingly, subject, however, to the following provisions of these Regulations. [537]

5.—(1) For the purposes of the Act of 1925, all whole-time service in the National Fire Service which is certified by the certifying authority to have been diligent and faithful service shall be approved service :

Provided that—

- (a) in the case of a fireman, there shall not be treated as approved service any period during which he is suspended from duty and in respect of which he does not receive any pay ;

- (b) in the case of any member of the National Fire Service, no service before he has attained the age of twenty years shall be treated as approved service, except where he is, before attaining that age, incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default.

(2) The local authority shall, without any certificate from the chief officer of the local brigade, treat as approved service any service before leaving that brigade which in their opinion would have been certified under section six of the Act of 1925 to have been diligent and faithful service. [538]

6. The Secretary of State shall deduct from the pay of every whole-time member of the National Fire Service sums equal to the deductions, if any, which would have been made from his pay by the local authority under section seventeen of the Act of 1925 if he had remained a member of the local brigade with the rank which he held immediately before he left the brigade and with the pay to which he would have been entitled if he had remained a member of the brigade, and any deductions so made shall be deemed for the purposes of the Act of 1925 (other than those of paragraphs (a) and (b) of subsection (1) of section twenty) to be rateable deductions made by the local authority. [539]

7. In addition to the deductions made under the last preceding Regulation, the Secretary of State shall, in the case of any whole-time member of the National Fire Service from whose pay deductions would have been made under section eight of the Act of 1925 if he had remained a member of the local brigade, deduct from his pay sums equal to the deductions which would have been so made, and the sums so deducted shall be deemed for the purposes of the Act of 1925 (other than those of paragraph (e) of subsection (1) of section twenty) to have been paid under the said section eight to the local authority. [540]

8.—(1) A whole-time member of the National Fire Service who is dismissed, or who is discharged on the ground that he has been found guilty of a criminal offence, shall be treated for the purposes of the Act of 1925 as having been dismissed from the local brigade :

Provided that if the authority which dismissed or discharged him from the National Fire Service so directs, he shall be treated as having been required to retire from the local brigade as an alternative to dismissal.

(2) Any such member who is discharged on medical grounds shall, subject to the provisions of the next following Regulation, be treated for the purposes of the Act of 1925, as having retired from the local brigade on a medical certificate.

(3) Any such member who is discharged at his own request, but not in circumstances to which either of the preceding paragraphs of this Regulation applies, nor in such circumstances that on his discharge section one of the Act of 1939 applies to him, shall be treated for the purposes of the Act of 1925 as having voluntarily retired without a medical certificate from the local brigade, and as having done so, where that is material, after proper notice to the local authority.

(4) Any such member who is discharged neither in circumstances to which any of the preceding paragraphs of this Regulation apply, nor in such circumstances that on his discharge section one of the Act of 1939 applies to him, shall be treated for the purposes of the Act of 1925 as if he had been incapacitated for the performance of his duty by infirmity of mind or body not occasioned by an injury received in the execution of his duty, and had

retired from the local brigade on a medical certificate, except that section ten shall not apply.

(5) A certificate of the certifying authority given for the purposes of the preceding paragraphs of this Regulation as to the grounds on which, or the circumstances in which, any such member was discharged shall be conclusive for the purposes of section one of the Act of 1939 and of the Act of 1925 that he was discharged on the grounds, or in the circumstances, stated in the certificate. [541]

9.—(1) Where a whole-time member of the National Fire Service is discharged on medical grounds, subsections (1) and (2) of section ten of the Act of 1925 shall not apply to him, and a certificate of the certifying authority shall be conclusive—

- (a) as to whether or not his incapacity is attributable to an injury sustained by him in the execution of duty without his own default; and
- (b) in the case of incapacity attributable to an injury so sustained, as to whether or not the injury was accidental, and as to the initial degree of disablement.

(2) In giving or withholding any such certificate, the certifying authority shall act, in relation to any of the questions referred to in paragraph (1) of this Regulation which ought to be determined on medical grounds, on the evidence of some duly qualified medical practitioner or practitioners selected by the certifying authority.

(3) Where for the purposes of this Regulation any person is medically examined by a medical practitioner selected by the certifying authority and is dissatisfied with his opinion on any medical question, he may appeal in accordance with rules made by the Secretary of State to an independent person nominated by the Secretary of State, and the certifying authority shall be bound by the decision of any medical question which is determined on any such appeal and shall, if necessary, issue an amended certificate accordingly.

(4) The power conferred by subsection (4) of section ten of the Act of 1925 to require a pensioner to serve again shall, in relation to a pensioner who is discharged from the National Fire Service on medical grounds—

- (a) be exercisable at any time during the period of the present emergency;
- (b) be exercisable by the certifying authority instead of by the local authority; and
- (c) be a power to require the pensioner to serve again in the National Fire Service, in a rank or post in which his conditions of service will be not less favourable to him than immediately before his discharge, so, however that, if he was then a fireman, he shall not be required to serve again as a fireman in a rank lower than that which he then held. [542]

10. For the purposes of section one of the Act of 1939, of subsection (1) of section sixteen of the Fire Brigades Act, 1938, and of any provision in the Act of 1925 which affects the amount of the pension, allowance or gratuity payable to or in respect of a member of a fire brigade, or the manner in which or the persons by whom the whole or any part of any such pension, allowance or gratuity shall be paid or borne, a whole-time member of the National Fire Service shall be deemed to have remained a member of the local brigade with the rank which he held immediately before he left the brigade and with the pay to which he would have been entitled if he had remained a member of the brigade. [543]

11. Any reference in section fifteen or section twenty-five of the Act of 1925 to the county or borough within which, or the place where, the person concerned last served shall be construed as a reference to the county or borough within which or, as the case may be, the place where he last served before he left the local brigade. [544]

12. Paragraph 10 of the Third Schedule to the National Fire Service (General) Regulations, 1941, shall apply to the computation for the purposes of these Regulations of the pay to which any person would have been entitled if he had remained a member of the local brigade, as it applies to the computation for the purposes of those Regulations of the pay to which a fireman would have been so entitled :

Provided that any such resulting increase of pay as is mentioned in the proviso to that paragraph shall (however treated for the purposes of those Regulations) be taken into account for the purposes of these Regulations to such extent, if any, as the Secretary of State may direct under this paragraph. [545]

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THE NATIONAL FIRE SERVICE (PRESERVATION OF PENSIONS) (GENERAL PENSION FUNDS) REGULATIONS, 1941

S. R. & O., 1941, No. 1270

August 18, 1941

In pursuance of the powers conferred on me by the Fire Services (Emergency Provisions) Act, 1941, I hereby make the following Regulations :—

1. These Regulations may be cited as the National Fire Service (Preservation of Pensions) (General Pension Funds) Regulations, 1941. [546]

2. The Interpretation Act, 1889, shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament. [547]

3. These Regulations shall have effect in the case of any person who is or was a whole-time member of the National Fire Service and who, when he became such a member, was either—

(a) serving in any capacity specified in the first column of the Schedule to the Local Government Staffs (War Service) Act, 1939 ; or

(b) a person to whom section one of that Act applied by reason of his having ceased to serve in any such capacity.

being in either case a person who was then a contributory employee or local Act contributor within the meaning of the Local Government Superannuation Act, 1937, or the Local Government Superannuation (Scotland) Act, 1937. [548]

4. In these Regulations the expression “the certifying authority” means, in relation to a member of a Fire Force, not being the Fire Force Commander, the Fire Force Commander, and in relation to any other member of the National Fire Service, the Secretary of State or such person as the Secretary of State may depute, expressions to which meanings are assigned by the Local Government Staffs (War Service) Act, 1939, have those meanings

in these Regulations, and other expressions have the same meanings in these Regulations as in the National Fire Service (General) Regulations, 1941. [549]

5. For the purposes of section one of the Local Government Staffs (War Service) Act, 1939, whole-time service in the National Fire Service shall, in the case of a person to whom these Regulations apply, be treated as service in his civil capacity, but, save as aforesaid, shall, in the case of any such person, be treated for the purposes of that Act as war service and, subject to the provisions of the three next succeeding Regulations, sections three to six of that Act, and sections fourteen and fifteen thereof, so far as they apply to the said sections three to six, shall have effect in relation to any such person accordingly. [550]

6. In lieu of subsection (2) of section three of the Local Government Staffs (War Service) Act, 1939, the following provisions shall have effect in relation to a person to whom these Regulations apply—

- (a) if any such person dies while he is a whole-time member of the National Fire Service, he shall be deemed for superannuation purposes to have been serving in his civil capacity at the time of his death, and if any such person sustains an injury in the actual discharge of his duty as such a member he shall be deemed to have sustained that injury in the actual discharge of his duty in his employment in his civil capacity ;
- (b) if any such person ceases to be a whole-time member of the National Fire Service in such circumstances that section one of the said Act does not apply to him, he shall be treated for superannuation purposes as having then ceased to be employed in his civil capacity and as having so ceased in such one of the classes of circumstances which are material for superannuation purposes under the Local Government Superannuation Act, 1937, the Local Government Superannuation (Scotland) Act, 1937, or the local Act scheme, as the case may be, as may be certified by the certifying authority to be appropriate in his case :

Provided that a person who is compulsorily discharged from the National Fire Service neither on medical grounds nor on the ground that he has been found guilty of a criminal offence shall (unless on his discharge section one of the said Act applies to him) be treated in the same manner as a person who is discharged therefrom on medical grounds, and the certificate to be given by the certifying authority shall be framed accordingly. [551]

7.—(1) Section four of the Local Government Staffs (War Service) Act, 1939, shall have effect as if subsections (2) to (5) thereof had provided, in relation to whole-time service in the National Fire Service of a person to whom these Regulations apply, that the Secretary of State should deduct from his pay sums equal to the contributions which would have been made by him if he had continued to serve in his civil capacity with the pay to which he would have been entitled if he had throughout continued to serve therein.

(2) The sums so deducted shall be deemed for the purposes of the Local Government Superannuation Act, 1937, the Local Government Superannuation (Scotland) Act, 1937, or the local Act scheme in question, as the case may be, to have been duly contributed by the person in question to the superannuation fund or other fund out of which a superannuation allowance might become payable to him, and the appropriate authority shall pay any contribution which in that event it would have been liable to pay to that fund. [552]

8. No period during which a whole-time fireman in the National Fire Service is suspended from duty and in respect of which he does not receive any pay shall be aggregated under subsection (1) of section three of the Local Government Staffs (War Service) Act, 1939, with the period of his service in his civil capacity. [553]

9. Any whole-time service of any person to whom these Regulations apply in the National Fire Service shall be treated for the purposes of workmen's compensation (including those of any scheme certified under section thirty-one of the Workmen's Compensation Act, 1925), as service in his civil capacity in the employment of the authority which employed him in that capacity, and the Workmen's Compensation Acts, 1925 to 1941, shall have effect accordingly. [554]

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THE NATIONAL FIRE SERVICE (PRESERVATION OF PENSIONS) (POLICE FIREMEN) REGULATIONS, 1941

S. R. & O., 1941, No. 1271

August 18, 1941

In pursuance of the powers conferred on me by the Fire Services (Emergency Provisions) Act, 1941, I hereby make the following Regulations :—

1. These Regulations may be cited as the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941. [555]

2. The Interpretation Act, 1889, applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament. [556]

3.—(1) These Regulations shall have effect in the case of any person who is or has been at any time a whole-time member of the National Fire Service and who either—

- (a) was transferred thereto by virtue of the National Fire Service (General) Regulations, 1941, and immediately before his transfer was a member of a police force within the meaning of the Police Pensions Act, 1921 ; or
- (b) having been a chief officer of police in such a police force ceased to serve therein in order to become a whole-time member of the National Fire Service, without retiring on pension ; or
- (c) was, when he became a whole-time member of the National Fire Service, a person to whom section one of the Police and Firemen (War Service) Act, 1939, as amended or extended by or under any enactment, applied in respect of his having ceased to serve as a member of such a police force.

(2) In these Regulations—

“ the Act of 1939 ” means the Police and Firemen (War Service) Act, 1939, as amended or extended by or under any enactment ;

“ the Act of 1921 ” means the Police Pensions Act, 1921, as amended or extended by or under any enactment (including the Act of 1939) ;

“ the police force ” and “ the police authority ” mean respectively, in relation to any person, the police force from which he was so transferred as aforesaid (or, as the case may be, in which he so ceased to serve as aforesaid) and the police authority who maintained that force ;

“ certifying authority ” means, in relation to a member of a Fire Force, not being the Fire Force Commander, the Fire Force Commander, and in relation to any other member of the National Fire Service, the Secretary of State or such officer as the Secretary of State may depute ;

and other expressions have the same meanings as in the National Fire Service (General) Regulations, 1941. [557]

4. For the purposes of section one of the Act of 1939 and the Act of 1921, whole-time service in the National Fire Service shall be treated as if it were service in the police force, and the said section one and the Act of 1921 (except section one, which relates to compulsory retirement and subsection (8) of section two, which relates to the retirement of certain superior officers), shall have effect accordingly, subject, however, to the following provisions of these Regulations. [558]

5.—(1) For the purposes of the Act of 1921, all whole-time service in the National Fire Service which is certified by the certifying authority to have been diligent and faithful service shall be approved service :

Provided that—

- (a) in the case of a fireman, there shall not be treated as approved service any period during which he is suspended from duty and in respect of which he does not receive any pay ;
- (b) in the case of any member of the National Fire Service, no service before he has attained the age of twenty years shall be treated as approved service, except where he is, before attaining that age, incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default.

(2) The police authority shall, without any certificate from the chief officer of police, treat as approved service any service before leaving the police force which in their opinion would have been certified under section seven of the Act of 1921 to have been diligent and faithful service. [559]

6. The Secretary of State shall deduct from the pay of every whole-time member of the National Fire Service sums equal to the deductions, if any, which would have been made from his pay by the police authority under section nineteen of the Act of 1921 if he had remained a member of the police force with the rank which he held immediately before he left the police force, and with the pay to which he would have been entitled if he had remained a member of the police force, and any deductions so made shall be deemed for the purposes of the Act of 1921 to be rateable deductions made by the police authority. [560]

7. In addition to the deductions made under the last preceding Regulation, the Secretary of State shall, in the case of any whole-time member of the National Fire Service from whose pay deductions would have been made under section nine of the Act of 1921 if he had remained a member of the police force, deduct from his pay sums equal to the deductions which would have been so made, and the sums so deducted shall be deemed for the purposes of the Act of 1921 to have been paid under the said section nine to the police authority. [561]

8.—(1) A whole-time member of the National Fire Service who is dismissed, or who is discharged on the ground that he has been found guilty of a criminal offence, shall be treated for the purposes of the Act of 1921 as having been dismissed from the police force :

Provided that if the authority which dismissed or discharged him from the National Fire Service so directs, he shall be treated as having been required to retire from the police force as an alternative to dismissal.

(2) Any such member who is discharged on medical grounds shall, subject to the provisions of the next following Regulation, be treated for the purposes of the Act of 1921 as having retired from the police force on a medical certificate.

(3) Any such member who is discharged neither in circumstances to which either of the preceding paragraphs of this Regulation applies, nor in such circumstances that on his discharge section one of the Act of 1939 applies to him, but either at his own request or in the circumstances hereafter in this paragraph mentioned, shall be treated for the purposes of the Act of 1921 as having voluntarily retired without a medical certificate from the police force, and as having done so, where that is material, after proper notice to the local authority.

The circumstances above referred to in this paragraph are that on his discharge either—

- (a) it is open to him to rejoin the police force with a rank not lower than that which he last held therein, and he does not do so ; or
- (b) it is open to him, with the consent of the police authority, to join any other police force within the meaning of the Act of 1921 with such a rank as aforesaid, or he joins such another police force.

(4) Any such member who is discharged in circumstances to which none of the preceding paragraphs of this Regulation apply, shall, unless he then rejoins the police force or section one of the Act of 1939 applies to him, be treated for the purposes of the Act of 1921 as if he had been incapacitated for the performance of his duty by infirmity of mind or body not occasioned by an injury received in the execution of his duty, and had retired from the police force on a medical certificate, except that section twelve shall not apply.

(5) A certificate of the certifying authority given for the purposes of the preceding paragraphs of this Regulation as to the grounds on which, or the circumstances in which, any such member was discharged from the National Fire Service shall (except as respects any question arising under sub-paragraph (a) or sub-paragraph (b) of paragraph (3) of this Regulation), be conclusive for the purposes of section one of the Act of 1939 and of the Act of 1921 that he was discharged on the grounds, or in the circumstances, stated in the certificate. [562]

9.—(1) Where a whole-time member of the National Fire Service is discharged on medical grounds, subsections (1) and (2) of section twelve of the Act of 1921 shall not apply to him, and a certificate of the certifying authority shall be conclusive—

- (a) as to whether or not his incapacity is attributable to an injury sustained by him in the execution of duty without his own default ; and
- (b) in the case of incapacity attributable to an injury so sustained, as to whether or not the injury was accidental, and as to the initial degree of disablement.

(2) In giving or withholding any such certificate, the certifying authority shall act, in relation to any of the questions referred to in paragraph (1) of

this Regulation which ought to be determined on medical grounds, on the evidence of some duly qualified medical practitioner or practitioners selected by the certifying authority.

(3) Where for the purposes of this Regulation any person is medically examined by a medical practitioner selected by the certifying authority and is dissatisfied with his opinion on any medical question, he may appeal in accordance with rules made by the Secretary of State to an independent person nominated by the Secretary of State, and the certifying authority shall be bound by the decision of any medical question which is determined on any such appeal and shall, if necessary, issue an amended certificate accordingly.

Rules made by the Secretary of State for the purposes of this paragraph may make such provision as appears expedient with respect to the costs of any appeal.

(4) The power conferred by subsection (4) of section twelve of the Act of 1921 to require a pensioner to serve again shall, in relation to a pensioner who is discharged from the National Fire Service on medical grounds—

- (a) be exercisable at any time during the period of the present emergency ;
- (b) be exercisable by the certifying authority instead of by the police authority ; and
- (c) be a power to require the pensioner to serve again in the National Fire Service, in a rank or post in which his conditions of service will be not less favourable to him than immediately before his discharge, so, however, that, if he was then a fireman, he shall not be required to serve again as a fireman in a rank lower than that which he then held. [563]

10. For the purposes of section one of the Act of 1939, and of any provision in the Act of 1921 or in the scale of ordinary pensions applicable in the case of a person to whom, by virtue of paragraph (a) of subsection (1) of section twenty-nine of the Act of 1921 (or the provisions substituted therefor in relation to Scotland by paragraph (e) of subsection (1) of section thirty-four of that Act), the scale of ordinary pensions prescribed by that Act does not apply, being a provision affecting the amount of the pension, allowance or gratuity payable to or in respect of a member of a police force, or the manner in which, or the persons by whom, the whole or any part of any such pension, allowance or gratuity shall be paid or borne, a whole-time member of the National Fire Service shall be deemed to have remained a member of the police force with the rank which he held immediately before he left the police force and with the pay to which he would have been entitled if he had remained a member of the police force. [564]

11. The court of quarter sessions or sheriff having jurisdiction under section seventeen of the Act of 1921 in the case of any person shall be determined as if he had last served in the county and in the force in which he last served before he left the police force. [565]

12. Nothing in these Regulations shall be construed as requiring any member of the National Fire Service to be treated as a member of the police force for the purposes of the Second Schedule to the Act of 1921, which relates to fines, fees, and other sums to be carried to the police fund. [566]

13. Paragraph 10 of the Third Schedule to the National Fire Service (General) Regulations, 1941, except the proviso to that paragraph, shall apply to the computation for the purposes of these Regulations of the pay to which any person would have been entitled if he had remained a member

of the police force as it applies to the computation for the purposes of those Regulations of the pay to which a fireman would have been so entitled. [567]

* * * * *

THE NATIONAL FIRE SERVICE (PRESERVATION OF PENSIONS) (LONDON AND WEST HAM) REGULATIONS, 1941

S. R. & O., 1941, No. 1272

August 18, 1941

In pursuance of the powers conferred on me by the Fire Services (Emergency Provisions) Act, 1941, I hereby make the following Regulations :—

1. These Regulations may be cited as the National Fire Service (Preservation of Pensions) (London and West Ham) Regulations, 1941. [568]

2. The Interpretation Act, 1889, applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament. [569]

3.—(1) These Regulations shall have effect in the case of any person, who is or has been at any time a whole-time member of the National Fire Service and who either—

(a) was transferred thereto by virtue of the National Fire Service (General) Regulations, 1941, and immediately before his transfer was a whole-time member (other than a member entitled to benefit from the Superannuation and Provident Fund established by virtue of the London Council (General Powers) Act, 1891), of the London Fire Brigade or a whole-time member of the West Ham Fire Brigade ; or

(b) was, when he became such a member of the National Fire Service, a person to whom section one of the Police and Firemen (War Service) Act, 1939, as amended or extended by or under any enactment applied in respect of his having ceased to serve as such a member as aforesaid of either of those brigades.

(2) In these Regulations—

“ the Act of 1939 ” means the Police and Firemen (War Service) Act, 1939, as amended or extended by or under any enactment ;

“ the pension provisions ” means, as respects members of the London Fire Brigade, Regulations 327 to 336 (as in force on the 30th June, 1941) of the Regulations of the London County Council dealing with staff, and, as respects members of the West Ham Fire Brigade, the Regulations (as in force on the said date) made under section eighty-eight of the West Ham Corporation Act, 1925, including, in either case, sections seven and eight of the Fire Brigade Pensions Act, 1925, as they apply to the brigade ;

“ the brigade ” means, as respects members of the London Fire Brigade, the London Fire Brigade and, as respects members of the West Ham Fire Brigade, the West Ham Fire Brigade ;

“ the pension authority ” means as respects members of the London Fire Brigade, the London County Council and, as respects members of the West Ham Fire Brigade, the mayor, aldermen and burgesses of the borough of West Ham ;

“certifying authority” means, in relation to a member of a Fire Force, not being the Fire Force Commander, the Fire Force Commander and in relation to any other member of the National Fire Service, the Secretary of State or such officer as the Secretary of State may depute ; and other expressions have the same meanings as in the National Fire Service (General) Regulations, 1941. [570]

4. For the purposes of section one of the Act of 1939, of the pension provisions and of workmen’s compensation, whole-time service in the National Fire Service shall be treated as if it were service in the brigade in the employment of the pension authority, and the said section one and the said provisions and the Workmen’s Compensation Acts, 1925 to 1941, shall have effect accordingly, subject, however, to the following provisions of these Regulations. [571]

5.—(1) For the purposes of the pension provisions, all whole-time service in the National Fire Service which is certified by the certifying authority to have been zealous and faithful service shall be approved service :

Provided that in the case of a fireman there shall not be treated as approved service any period during which he is suspended from duty and in respect of which he does not receive any pay.

(2) The pension authority shall, without any certificate, treat as approved service any service before leaving the brigade which in their opinion would have been certified under Regulation 328 (d) or under Regulation 10 of the pension provisions, as the case may be, to have been zealous and faithful service. [572]

6. The Secretary of State shall deduct from the pay of every whole-time member of the National Fire Service sums equal to the contributions towards pension, if any, which would have been made by him under Regulation 327 or, as the case may be, Regulation 7, of the pension provisions if he had remained a member of the brigade with the rank which he held immediately before he left the brigade and with the pay to which he would have been entitled if he had remained a member of the brigade, and any deductions so made shall be deemed for the purposes of the pension provisions to be contributions towards pension made under the said Regulation 327 or, as the case may be, the said Regulation 7. [573]

7. In addition to the deductions made under the last preceding Regulation, the Secretary of State shall, in the case of any whole-time member of the National Fire Service from whose pay deductions would have been made under section eight of the Fire Brigade Pensions Act, 1925, as it applies to the brigade, if he had remained a member of the brigade, deduct from his pay sums equal to the deductions which would have been so made, and the sums so deducted shall be deemed for the purposes of the said section eight to have been paid thereunder to the pension authority. [574]

8.—(1) A whole-time member of the National Fire Service who is dismissed, or who is discharged on the ground that he has been found guilty of a criminal offence, shall be treated for the purposes of the pension provisions as if he had been dismissed from the brigade for misconduct.

(2) Any such member who is discharged on medical grounds shall be treated for the purposes of the pension provisions as if he had left the brigade with a certificate under Regulation 328 (c) or, as the case may be, Regulation 9, that he was incapacitated by infirmity from performing his ordinary duties in the brigade.

(3) Any such member who is discharged at his own request but not in circumstances to which either of the preceding paragraphs of this Regulation

applies, nor in such circumstances that on his discharge section one of the Act of 1939 applies to him, shall be treated for the purpose of the pension provisions as having voluntarily retired from the brigade.

(4) Any such member who is discharged neither in circumstances to which any of the preceding paragraphs of this Regulation apply, nor in such circumstances that section one of the Act of 1939 applies to him, shall be treated for the purposes of the pension provisions in the same manner as if he had been discharged on medical grounds otherwise than by reason of injuries received in the execution of his duty :

Provided that nothing in this paragraph shall be construed as requiring a person who was a member of the London Fire Brigade to be treated for the purposes of Regulation 333 (i) of the pension provisions as having retired on account of ill health.

(5) A certificate of the certifying authority given for the purposes of the preceding paragraphs of this Regulation as to the grounds on which, or the circumstances in which, any such member was discharged from the National Fire Service shall be conclusive for the purposes of section one of the Act of 1939 and of the pension provisions that he was discharged on the grounds, or in the circumstances, stated in the certificate. [575]

9. For the purposes of section one of the Act of 1939, and of any of the pension provisions which affects the amount of the pension, allowance or gratuity payable to or in respect of a member of a fire brigade, or the manner in which, or the persons by whom, the whole or any part of any such pension allowance or gratuity shall be paid or borne, and for the purposes of workmen's compensation, a whole-time member of the National Fire Service shall be deemed to have remained a member of the brigade with the rank which he held immediately before he left the brigade and with the pay to which he would have been entitled if he had remained a member of the brigade. [576]

10. The following Regulations of the pension provisions shall not apply to any member of the National Fire Service during the period of the present emergency, that is to say,—

(a) in the case of a member of the London Fire Brigade, Regulation 328 (d), and (except in so far as it relates to the scale of pensions and gratuities to apply to persons who are to be treated under these Regulations as having retired on account of age), Regulation 332 ; and

(b) in relation to members of the West Ham Fire Brigade, Regulation 10 and (except so far as it relates to the scale of pensions and gratuities to apply to persons who are to be treated under these Regulations as having retired on account of age), Regulation 12. [577]

11. Paragraph 10 of the Third Schedule to the National Fire Service (General) Regulations, 1941, shall apply to the computation for the purposes of these Regulations of the pay to which any person would have been entitled if he had remained a member of the brigade, as it applies to the computation for the purposes of those Regulations of the pay to which a fireman would have been so entitled :

Provided that any such resulting increase of pay as is mentioned in the proviso to that paragraph shall (however treated for the purposes of those Regulations) be taken into account for the purposes of these Regulations to such extent, if any, as the Secretary of State may direct under this paragraph. [578]

THE NATIONAL FIRE SERVICE (PRESERVATION OF PENSIONS) (BIRMINGHAM AND LEICESTER) REGULATIONS, 1941

S. R. & O., 1941, No. 1273

August 18, 1941

In pursuance of the powers conferred on me by the Fire Services (Emergency Provisions) Act, 1941, I hereby make the following Regulations :—

1. These Regulations may be cited as the National Fire Service (Preservation of Pensions) (Birmingham and Leicester) Regulations, 1941. [579]

2. The Interpretation Act, 1889, applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament. [580]

3.—(1) These Regulations shall have effect in the case of any person, who is or has been at any time a whole-time member of the National Fire Service and who either—

(a) was transferred thereto by virtue of the National Fire Service (General) Regulations, 1941, and immediately before his transfer was a whole-time member of the Birmingham permanent fire brigade or the Leicester fire brigade ; or

(b) was, when he became such a member of the National Fire Service, a person to whom section one of the Police and Firemen (War Service) Act, 1939, as amended or extended by or under any enactment, applied in respect of his having ceased to serve as a member of either of those brigades.

(2) In these Regulations—

“ the Act of 1939 ” means the Police and Firemen (War Service) Act, 1939, as amended or extended by or under any enactment ;

“ the Act of 1921 ” means the Police Pensions Act, 1921, as applied by the Birmingham Corporation Act, 1922, and the Birmingham Corporation (General Powers) Act, 1929, or, as the case may be, the Leicester Fire Brigade Provisional Order Confirmation Act, 1925, and as amended or extended by or under any other enactment (including the Act of 1939) ;

“ the brigade ” and “ the Corporation ” mean respectively, the Birmingham permanent fire brigade and the lord mayor, aldermen and citizens of the city of Birmingham, or, as the case may be, the Leicester fire brigade and the lord mayor, aldermen and citizens of the city of Leicester ;

“ certifying authority ” means, in relation to a member of a Fire Force, not being the Fire Force Commander, the Fire Force Commander, and in relation to any other member of the National Fire Service, the Secretary of State or such officer as the Secretary of State may depute :

and other expressions have the same meanings as in the National Fire Service (General) Regulations, 1941. [581]

4. For the purposes of section one of the Act of 1939 and the Act of 1921, whole-time service in the National Fire Service shall be treated as if it were service in the brigade, and the said section one and the Act of 1921 (except section one, which relates to compulsory retirement and subsection (3) of section two, which relates to the retirement of the chief officer and second

officer) shall have effect accordingly, subject, however, to the following provisions of these Regulations. [582]

5.—(1) For the purposes of the Act of 1921, all whole-time service in the National Fire Service which is certified by the certifying authority to have been diligent and faithful service shall be approved service :

Provided that—

- (a) in the case of a fireman, there shall not be treated as approved service any period during which he is suspended from duty and in respect of which he does not receive any pay ;
- (b) in the case of any member of the National Fire Service, no service before he has attained the age of twenty years shall be treated as approved service, except where he is, before attaining that age, incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default.

(2) In the case of Birmingham, the Corporation shall, without any certificate from the chief officer of the brigade, treat as approved service any service before leaving the brigade which in their opinion would have been certified under section seven of the Act of 1921 to have been diligent and faithful service. [583]

6. The Secretary of State shall deduct from the pay of every whole-time member of the National Fire Service sums equal to the deductions, if any, which would have been made from his pay by the Corporation under section nineteen of the Act of 1921 if he had remained a member of the brigade with the rank which he held immediately before he left the brigade and with the pay to which he would have been entitled if he had remained a member of the brigade, and any deductions so made shall be deemed for the purposes of the Act of 1921 to be rateable deductions made by the Corporation :

Provided that nothing in this Regulation shall require the said deductions to be so treated for the purposes of paragraph (a) of subsection (2) of section seventy-four of the Birmingham Corporation (General Powers) Act, 1929, or, as the case may be, for the purposes of Article V of the Order confirmed by the Leicester Fire Brigade Provisional Order Confirmation Act, 1925. [584]

7. In addition to the deductions made under the last preceding Regulation, the Secretary of State shall, in the case of every whole-time member of the National Fire Service from whose pay deductions would have been made under section nine of the Act of 1921 if he had remained a member of the brigade, deduct from his pay sums equal to the deductions which would have been so made, and the sums so deducted shall be deemed for the purposes of the Act of 1921 to have been paid under the said section nine of the Corporation. [585]

8.—(1) A whole-time member of the National Fire Service who is dismissed, or who is discharged on the ground that he has been found guilty of a criminal offence, shall be treated for the purposes of the Act of 1921 as having been dismissed from the brigade :

Provided that if the authority which dismissed or discharged him from the National Fire Service so directs, he shall be treated as having been required to retire from the brigade as an alternative to dismissal.

(2) Any such member who is discharged on medical grounds shall, subject to the provisions of the next following Regulation, be treated for the purposes of the Act of 1921 as having retired from the brigade on a medical certificate.

(3) Any such member who is discharged at his own request, but not in circumstances to which either of the preceding paragraphs of this Regulation applies nor in such circumstances that on his discharge section one of the Act of 1939 applies to him, shall be treated for the purposes of the Act of 1921 as having voluntarily retired without a medical certificate from the brigade, and as having done so, where that is material, after proper notice to the Corporation.

(4) Any such member who is discharged neither in circumstances to which any of the preceding paragraphs of this Regulation apply, nor in such circumstances that on his discharge section one of the Act of 1939 applies to him, shall be treated for the purposes of the Act of 1921 as if he had been incapacitated for the performance of his duty by infirmity of mind or body not occasioned by an injury received in the execution of his duty, and had retired from the brigade on a medical certificate, except that section twelve shall not apply.

(5) A certificate of the certifying authority given for the purposes of the preceding paragraphs of this Regulation as to the grounds on which, or the circumstances in which, any such member was discharged shall be conclusive for the purposes of section one of the Act of 1939 and of the Act of 1921 that he was discharged on the grounds, or in the circumstances, stated in the certificate. [586]

9.—(1) Where a whole-time member of the National Fire Service is discharged on medical grounds, subsections (1) and (2) of section twelve of the Act of 1921 shall not apply to him, and a certificate of the certifying authority shall be conclusive—

- (a) as to whether or not his incapacity is attributable to an injury sustained by him in the execution of duty without his own default; and
- (b) in the case of incapacity attributable to an injury so sustained, as to whether or not the injury was accidental, and as to the initial degree of disablement.

(2) In giving or withholding any such certificate, the certifying authority shall act, in relation to any of the questions referred to in paragraph (1) of this Regulation which ought to be determined on medical grounds, on the evidence of some duly qualified medical practitioner or practitioners selected by the certifying authority.

(3) Where for the purposes of this Regulation any person is medically examined by a medical practitioner selected by the certifying authority and is dissatisfied with his opinion on any medical question, he may appeal in accordance with rules made by the Secretary of State to an independent person nominated by the Secretary of State, and the certifying authority shall be bound by the decision of any medical question which is determined on any such appeal and shall, if necessary, issue an amended certificate accordingly.

Rules made by the Secretary of State for the purposes of this paragraph may make such provision as appears expedient with respect to the costs of any appeal.

(4) The power conferred by subsection (4) of section twelve of the Act of 1921 to require a pensioner to serve again shall, in relation to a pensioner who is discharged from the National Fire Service on medical grounds—

- (a) be exercisable at any time during the period of the present emergency; and
- (b) be exercisable by the certifying authority instead of by the Corporation; and

- (c) be a power to require the pensioner to serve again in the National Fire Service, in a rank or post in which his conditions of service will be not less favourable to him than immediately before his discharge, so, however, that, if he was then a fireman, he shall not be required to serve again as a fireman in a rank lower than that which he then held. [587]

10. For the purposes of section one of the Act of 1939 and of any provision in, or in any instrument having effect for any of the purposes of, the Act of 1921 which affects the amount of the pension, allowance or gratuity payable to or in respect of a member of a fire brigade, or the manner in which, or the persons by whom, the whole or any part of any such pension, allowance or gratuity shall be paid or borne, a whole-time member of the National Fire Service shall be deemed to have remained a member of the brigade with the rank which he held immediately before he left the brigade and with the pay to which he would have been entitled if he had remained a member of the brigade. [588]

11. In the case of Birmingham, the court of quarter sessions having jurisdiction under section seventeen of the Act of 1921 shall be the court of quarter sessions for the city of Birmingham. [589]

12. Paragraph 10 of the Third Schedule to the National Fire Service (General) Regulations, 1941, shall apply to the computation for the purposes of these Regulations of the pay to which any person would have been entitled if he had remained a member of the brigade, as it applies to the computation for the purposes of those Regulations of the pay to which a fireman would have been so entitled :

Provided that any such resulting increase of pay as is mentioned in the proviso to that paragraph shall (however treated for the purposes of those Regulations) be taken into account for the purposes of these Regulations to such extent, if any, as the Secretary of State may direct under this paragraph. [590]

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THE NATIONAL FIRE SERVICE (PRESERVATION OF PENSIONS) (BOLTON AND DERBY) REGULATIONS, 1941

S. R. & O., 1941, No. 1274

August 18, 1941.

In pursuance of the powers conferred on me by the Fire Services (Emergency Provisions) Act, 1941, I hereby make the following Regulations :—

1. These Regulations may be cited as the National Fire Service (Preservation of Pensions) (Bolton and Derby) Regulations, 1941. [591]

2. The Interpretation Act, 1889, applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament. [592]

3.—(1) These Regulations shall have effect in the case of any person, who is or has been at any time a whole-time member of the National Fire Service and who was transferred thereto by virtue of the National Fire Service (General) Regulations, 1941, and immediately before his transfer was a whole-time member of the Bolton permanent fire brigade or the Derby permanent

fire brigade, being a person who gave to the Corporation a written notice under subsection (2) of section twenty-four of the Fire Brigade Pensions Act, 1925.

(2) In these Regulations—

“ the Act of 1890 ” means the Police Act, 1890, as applied by the Bolton Tramways and Improvement Act, 1897, or, as the case may be, the Derby Corporation Act, 1901, and as amended or extended by or under any other enactment ;

“ the brigade ” and “ the Corporation ” mean respectively, the Bolton, or, as the case may be, Derby, permanent fire brigade and the mayor, aldermen and burgesses of the borough of Bolton, or, as the case may be, Derby ;

“ certifying authority ” means, in relation to a member of a Fire Force, not being the Fire Force Commander, the Fire Force Commander, and in relation to any other member of the National Fire Service, the Secretary of State or such officer as the Secretary of State may depute ;

and other expressions have the same meanings as in the National Fire Service (General) Regulations, 1941. [593]

4. For the purposes of the Act of 1890, and of workmen's compensation, whole-time service in the National Fire Service shall be treated as if it were service in the brigade in the employment of the Corporation, and the said Act and the Workmen's Compensation Acts, 1925 to 1941, shall have effect accordingly, subject, however, to the following provisions of these Regulations. [594]

5.—(1) For the purposes of the Act of 1890, all whole-time service in the National Fire Service which is certified by the certifying authority to have been diligent and faithful service shall be approved service :

Provided that—

- (a) in the case of a fireman, there shall not be treated as approved service any period during which he is suspended from duty and in respect of which he does not receive any pay ;
- (b) in the case of any member of the National Fire Service, no service before he has attained the age of twenty-one years shall be treated as approved service.

(2) The Corporation shall, without any certificate, treat as approved service any service before leaving the brigade which in their opinion would have been certified under section four of the Act of 1890 to have been diligent and faithful service. [595]

6. The Secretary of State shall deduct from the pay of every whole-time member of the National Fire Service sums equal to the deductions, if any, which would have been made from his pay by the Corporation under paragraph (a) of subsection (1) of section fifteen of the Act of 1890 if he had remained a member of the brigade with the rank which he held immediately before he left the brigade and with the pay to which he would have been entitled if he had remained a member of the brigade, and any deductions so made shall be deemed for the purposes of the Act of 1890 (other than those of paragraph (a) of subsection (1) of section sixteen) to be rateable deductions made by the Corporation. [596]

7.—(1) A whole-time member of the National Fire Service who is dismissed, or who is discharged on the ground that he has been found guilty of a criminal offence, shall be treated for the purposes of the Act of 1890 as having been dismissed from the brigade.

(2) Any such member who is discharged on medical grounds shall, subject to the provisions of the next following Regulation, be treated for the purposes of the Act of 1890 as having retired from the brigade on a medical certificate.

(3) Any such member who is discharged at his own request, but not in circumstances to which either of the preceding paragraphs of this Regulation applies, shall be treated for the purposes of the Act of 1890 as having voluntarily retired without a medical certificate from the brigade, and as having done so, where that is material, after proper notice to the Corporation.

(4) Any such member who is discharged in circumstances to which none of the preceding paragraphs of this Regulation apply shall be treated for the purposes of the Act of 1890 as if he had been incapacitated for the performance of his duty by infirmity of mind or body not occasioned by an injury received in the execution of his duty, and had retired from the brigade on a medical certificate, except that section five shall not apply.

(5) A certificate of the certifying authority given for the purposes of the preceding paragraphs of this Regulation as to the grounds on which, or the circumstances in which, any such member was discharged shall be conclusive for the purposes of the Act of 1890 that he was discharged on the grounds, or in the circumstances, stated in the certificate. [597]

8.—(1) Where a whole-time member of the National Fire Service is discharged on medical grounds, subsections (1) and (2) of section five of the Act of 1890 shall not apply to him, and a certificate of the certifying authority shall be conclusive—

- (a) as to whether or not his incapacity is attributable to an injury sustained by him in the execution of duty without his own default; and
- (b) in the case of incapacity attributable to an injury so sustained, as to whether or not the injury was accidental, and as to the initial degree of disability.

(2) In giving or withholding any such certificate, the certifying authority shall act, in relation to any of the questions referred to in paragraph (1) of this Regulation which ought to be determined on medical grounds, on the evidence of some duly qualified medical practitioner or practitioners selected by the certifying authority.

(3) The power conferred by subsection (4) of section five of the Act of 1890 to require a pensioner to serve again shall, in relation to a pensioner who is discharged from the National Fire Service on medical grounds—

- (a) be exercisable at any time during the period of the present emergency;
- (b) be exercisable by the certifying authority instead of by the Corporation; and
- (c) be a power to require the pensioner to serve again in the National Fire Service, in a rank or post in which his conditions of service will be not less favourable to him than immediately before his discharge, so, however, that, if he was then a fireman, he shall not be required to serve again as a fireman in a rank lower than that which he then held. [598]

9. For the purposes of any provision in, or in any instrument operating for the purposes of, the Act of 1890, which affects the amount of the pension, allowance or gratuity payable to or in respect of a member of a fire brigade, or the manner in which, or the persons by whom, the whole or any part of any such pension, allowance or gratuity shall be paid or borne, and for the purposes of workmen's compensation, a whole-time member of the National

Fire Service shall be deemed to have remained a member of the brigade with the rank which he held immediately before he left the brigade and with the pay to which he would have been entitled if he had remained a member of the brigade. [599]

10. The court of quarter sessions having jurisdiction under section eleven of the Act of 1890 shall be the court of quarter sessions for the borough of Bolton or Derby, as the case may be. [600]

11. Nothing in these Regulations shall be construed as enabling the Corporation to give directions requiring sums under the control of a member of the National Fire Service in that capacity to be carried to the pension fund under subsection (3) of section sixteen of the Act of 1890. [601]

12. Paragraph 10 of the Third Schedule to the National Fire Service (General) Regulations, 1941, shall apply to the computation for the purposes of these Regulations of the pay to which any person would have been entitled if he had remained a member of the brigade, as it applies to the computation for the purposes of those Regulations of the pay to which a fireman would have been so entitled :

Provided that any such resulting increase of pay as is mentioned in the proviso to that paragraph shall (however treated for the purposes of those Regulations) be taken into account for the purposes of these Regulations to such extent, if any, as the Secretary of State may direct under this paragraph. [602]

* * * * *

DETERMINATION, DATED AUGUST 15, 1941, BY THE SECRETARY OF STATE OF THE APPOINTED DAY FOR THE PURPOSES OF PART III OF THE NATIONAL FIRE SERVICE (GENERAL) REGULATIONS, 1941

S. R. & O., 1941, No. 1381

August 15, 1941

In pursuance of Regulation 11 of the National Fire Service (General) Regulations, 1941, I hereby fix the eighteenth day of August, 1941, as the appointed day for the purposes of Part III of the said Regulations. [603]

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THE NATIONAL FIRE SERVICE (ALTERATION OF FIRE AREAS) REGULATIONS, 1941

S. R. & O., 1941, No. 1710

October 31, 1941

In pursuance of the powers conferred upon me by the Fire Services (Emergency Provisions) Act, 1941, I hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the National Fire Service (Alteration of Fire Areas) Regulations, 1941.

(2) The Interpretation Act, 1889, applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(3) In these Regulations, "the principal Regulations" means the National Fire Service (General) Regulations, 1941. [604]

2. As from the 1st November, 1941, the areas in the administrative county of Derby theretofore included in Fire Area 27 shall be transferred to Fire Area 7, and accordingly in Part I of the First Schedule to the principal Regulations—

(a) under the heading Fire Area 7, for the words "The county of Derby, excluding the boroughs of Buxton and Glossop, the urban districts of New Mills and Whaley Bridge, and the rural districts of Blackwell and Chapel-en-le-Frith" there shall be substituted the words "The county of Derby, excluding the rural district of Blackwell"; and

(b) under the heading Fire Area 27, the paragraph beginning "The following districts in the county of Derby" and ending "Chapel-en-le-Frith" shall be omitted. [605]

3. As from the 1st November, 1941, the borough of Ripon and the rural district of Ripon and Pateley Bridge shall be transferred from Fire Area 5 to Fire Area 4, and accordingly in Part I of the said First Schedule, under the heading Fire Area 4, there shall be inserted after the word "Pudsey" the word "Ripon" and after the word "Osgoldersoss" the words "Ripon and Pateley Bridge", and under the heading of Fire Area 5 the word "Ripon", where that word first occurs, and the words "Ripon and Pateley Bridge" shall be omitted. [606]

4. The Isles of Scilly shall be included in Fire Area 19, and accordingly, in the said First Schedule, under the heading Fire Area 19, after the word "Stratton" there shall be inserted the words "but including the Isles of Scilly". [607]

5.—(1) The following transitional provisions shall have effect in relation to any borough or district which is transferred by these Regulations from one Fire Area to another.

(2) Any member of the Fire Force for the first Fire Area who, immediately before the transfer, was stationed in that borough or district, or, being then temporarily posted to a reserve or other station or suspended from duty, was last stationed in that borough or district before he was so posted or suspended, shall, on the said transfer taking effect, himself be transferred, by virtue of these Regulations and without more, to the Fire Force for the second Fire Area.

(3) Where any fireman so transferred had, before his transfer, committed an offence against discipline, any proceedings commenced before the transfer under Part II of the Second Schedule to the principal Regulations may be carried on as if these Regulations had not been made, except that anything falling to be done under paragraph 6 of the said Part II by, to or before the Regional Commissioner shall, after the transfer, be done by, to or before the Regional Commissioner for the Region which includes the second Fire Area, and anything which under paragraph 7 of the said Part II falls to be done by, to or before the Fire Force Commander shall be done by, to or before the Fire Force Commander for the Fire Force for the second Fire Area. [608]

* * * * *

FOOD AND DRUGS

See, also, AIR RAID PRECAUTIONS

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STATUTES

THE PHARMACY AND MEDICINES ACT, 1941

(4 & 5 Geo. 6, c. 42)

An Act to amend the Pharmacy and Poisons Act, 1933, to prohibit certain advertisements relating to medical matters, and to amend the law relating to medicines. [609] [7th August, 1941.]

* * * * *

2. Extension of local authorities' lists.—(1) On the application of an authorised seller of poisons who wishes to sell at any premises poisons included in Part II of the Poisons List, but neither poisons included in Part I of that list nor drugs, the local authority for the area in which the premises are situated shall enter his name in the list kept by them under section twenty-one of the principal Act as a person entitled, subject to the provisions of that Act, to sell on those premises poisons included in the said Part II :

Provided that the local authority may refuse to enter in, or may remove from, the list the name of any person who fails to pay the fees prescribed by rules or who in the opinion of the authority is, for any sufficient reason relating either to him personally or to his premises, not fit to be on the list. [610]

(2) The provisions of subsections (2) to (7) of the said section twenty-one (which relate to appeals from the decision of a local authority to refuse to enter a name in, or to remove a name from, the list, and other incidental matters) shall apply for the purposes of the foregoing provisions of this section as they apply for the purposes of that section. [611]

(3) Where any premises of an authorised seller of poisons are entered in a local authority's list by virtue of this section, it shall be the duty of the authority under subsection (5) of section twenty-five of the principal Act, and not the duty of the Society under subsection (1) of that section, to take all reasonable steps to secure compliance by him, as respects those premises, with the provisions of Part II of the principal Act and of the rules made thereunder so far as those provisions relate to poisons included in Part II of the Poisons List ; and the provisions of subsections (5) to (10) of that section relating to inspectors shall apply accordingly. [612]

S. 21 of the principal Act (26 Statutes 577) provides for the registration by the local authority (in London the common council or metropolitan borough council ; elsewhere the county or county borough council) of persons, not being authorised sellers of poisons, who are entitled to sell Part II poisons.

The present section enables an authorised seller of poisons to be registered under s. 21 as respects, e.g. a branch shop.

* * * * *

ORDERS, CIRCULARS AND MEMORANDA

THE LOCAL AUTHORITIES (DIRECTIONS TO CATERERS)
ORDER, 1941*S. R. & O.*, 1941, No. 298*March 5, 1941*

In exercise of the powers conferred upon him by Regulation 55 of the Defence (General) Regulations, 1939, as amended, the Minister of Food hereby orders as follows :—

1. In this Order :—

“Catering Establishment” has the same meaning as in the Food Control Committees (Registration of Establishments) Order, 1939, as amended.

“Local authority” has the same meaning as in the Defence (General) Regulations, 1939, as amended, except that it shall not include the council of a Metropolitan Borough or the Corporation of the City of London or, in the application of this Order to Scotland, any district council. [613]

2.—(1) The Minister of Food hereby confers upon each Local Authority the power of giving to any person carrying on the business of a catering establishment situate in its area directions of the nature specified in the Schedule hereto, and subject to any directions which may from time to time be given by the Minister of Food to the Authority as to the manner in and the period during which such power may be exercised.

(2) It shall be the duty of any person to whom directions are given by a Local Authority in pursuance of the foregoing paragraph of this Article to comply therewith. [614]

3. Infringements of this Order are offences against the Defence (General) Regulations, 1939. [615]

4. This Order shall come into force on the tenth day of March, 1941, and may be cited as the Local Authorities (Directions to Caterers) Order, 1941. [616]

* * * * *

THE SCHEDULE

DIRECTIONS

1. As to the serving of meals at any hour or on any day.
2. As to the nature of the meals to be so served.
3. As to the price to be charged for such meals.
4. As to the cooking of food in any catering establishment for consumption other than on the premises thereof.
5. As to the use of any vehicles owned by or as to the employment of any method of transport at the disposal of a catering establishment.
6. As to the employment of the staff of any catering establishment for the purpose of securing compliance with any directions given in pursuance of this Order. [617]

MILK (SPECIAL DESIGNATIONS) REGULATIONS, 1941 ALTERNATIVE METHOD OF PASTEURISATION

Circular 2423

July, 1941

Sir,

1. I am directed by the Minister of Health to enclose for the information of the Authority a copy of the Milk (Special Designations) Regulations, 1941, which the Minister has made to come into operation forthwith as Provisional Regulations. These Regulations may be cited together with the Milk (Special Designations) Orders, 1936 and 1938 as the Milk (Special Designations) Regulations, 1936 to 1941.

2. Representations have been made to the Minister that for such reasons as shortage of skilled labour and of materials, difficulties are experienced in the circumstances of the present time in maintaining or replacing apparatus licensed under the Milk (Special Designations) Orders, 1936 and 1938, which provide only for a process of pasteurisation known as the "Holder" process. At the same time, it is particularly desirable, for the safety of the milk supply, that pasteurisation should as much as possible be encouraged.

3. The new Regulations accordingly, as an alternative to the "Holder" process, enable a licensing authority to grant a pasteuriser's licence in respect of a process of "High Temperature Short Time" pasteurisation. The Minister is advised that, provided the apparatus is suitable and is worked with proper care, this process effectively destroys any disease-producing organisms in the milk. At the same time, the apparatus needed is much smaller and simpler than that required for the "Holder" method. It can be more easily worked, *e.g.* it can be quickly started and stopped and readily cleaned, and it is understood that no difficulty is ordinarily to be anticipated in the maintenance and repair of the plant. In many cases "Holder" apparatus may be capable of adaptation.

4. The conditions for a pasteuriser's licence under this method are the same as the relevant conditions in the Orders of 1936 and 1938, except for the modifications made by the Second Schedule of the present Regulations. These more particularly provide that the milk shall be retained at a temperature of not less than 162° Fahrenheit for at least fifteen seconds, and that the apparatus for this process shall be provided with an automatic device to divert the flow of any milk which has not been so treated.

5. The "Holder" process remains as an alternative requiring to be separately licensed, and an applicant for a pasteuriser's licence, otherwise than in renewal of an existing licence, must state whether he desires a licence in accordance with the conditions for the "Holder" process as laid down in the Orders of 1936 and 1938, or for a licence in accordance with the present Regulations.

6. In view of the importance of ensuring that the apparatus for pasteurisation is suitable, the Minister desires that Authorities will, before granting a pasteuriser's licence under the new Regulations, require the applicant to satisfy them fully as to the suitability of the apparatus, including a demonstration to their authorised officers by a trial run (for which water would be sufficient) that the apparatus works satisfactorily in accordance with the requirements of the Order. The Minister is advised that a local authority may, if they so desire, obtain advice with regard to apparatus which an applicant proposes to use, from the National Institute for Research in Dairying, Shinfield, near Reading.

7. After a licence has been granted, inspections should be made of the working of the apparatus as frequently as circumstances permit, and periodical samples of the milk should be taken for examination by the prescribed plate count test. The Minister further desires to impress on authorities the importance of having samples also examined by the phosphatase test. As explained in paragraph 28 of Circular 1533 of the 24th April, 1936, a positive result to this test is conclusive evidence that the milk has not been properly pasteurised, or that milk which has not been pasteurised has been added to it. The test, therefore, which can be quickly carried out, affords a valuable practical control.

8. The Minister fully appreciates the heavy demands on Authorities and their staffs at the present time, but he trusts that in view of the importance of maintaining and if possible extending the pasteurisation of milk by adequate methods, he may have their full co-operation in carrying out the provisions of these Regulations.

9. Additional copies of this Circular and of the Regulations are enclosed for the use of the Financial Officer of the Authority, and copies are being sent to the Medical Officer of Health. Further copies may be obtained through any bookseller or directly from his Majesty's Stationery Office. [618]

* * * * *

PROVISIONAL REGULATIONS, DATED JULY 9, 1941, MADE BY THE MINISTER OF HEALTH UNDER THE FOOD AND DRUGS ACT, 1938 (1 & 2 Geo. 6, c. 56)

P. R. & O., 1941

July 9, 1941

103219.

The Minister of Health hereby certifies under section 2 of the Rules Publication Act, 1893, that on account of urgency the following regulations should come into immediate operation, and in exercise of the powers conferred on him by the Food and Drugs Act, 1938, and of all other powers enabling him in that behalf hereby makes the following regulations to come into operation forthwith as provisional regulations :—

1.—(1) These Regulations may be cited as the Milk (Special Designations) Regulations, 1941, and shall come into operation on the date hereof.

(2) These Regulations shall be read as one with the Milk (Special Designations) Order, 1936 (in this order called “the order of 1936”), as amended, and may be cited together with the Milk (Special Designations) Orders, 1936 and 1938, as the Milk (Special Designations) Regulations, 1936 to 1941. [619]

2.—(1) A licensing authority may grant a licence to use the special designation “Pasteurised” in the form contained in the First Schedule to these Regulations, and accordingly that form shall be deemed to be contained in the First Schedule to the Order of 1936.

(2) A licence granted under this Regulation shall be subject to the conditions set out in Part III of the Third Schedule to the Order of 1936 as modified by the Second Schedule to these regulations. [620]

3. A person applying for a licence (otherwise than in renewal of an existing licence) to use the special designation “Pasteurised” shall indicate in

his application whether his application is for a licence to be granted in the form C contained in the First Schedule to the Order of 1936 or in the Form E contained in the First Schedule to these Regulations. [621]

FIRST SCHEDULE

FORM E

THE MILK (SPECIAL DESIGNATIONS) REGULATIONS, 1941

Pasteuriser's Licence Authorising the Use of the Special Designation "Pasteurised"

The hereby authorise of to use the special designation "Pasteurised" in relation to milk treated by the pasteurising process at in accordance with the conditions prescribed in the Milk (Special Designation) Regulations, 1936 to 1941.

This licence is not transferable and is subject to the conditions prescribed in the above-named regulations, and unless suspended or revoked will operate until the thirty-first day of December, 194 .

This licence does not authorise the holder to use the above-named designation in relation to milk sold outside the area of the licensing authority except in relation to milk sold by wholesale. [622]

SECOND SCHEDULE

Part III of the Third Schedule to the order of 1936 shall have effect as if—

(a) for condition 1 set out therein there were substituted the following:—

"1. The milk in relation to which the special designation is used shall be retained at a temperature of not less than 162° Fahrenheit for at least fifteen seconds and be immediately cooled to a temperature of not more than 55° Fahrenheit"; and

(b) for condition 3 set out therein there were substituted the following—

"3. Such indicating thermometers and recording thermometers as the licensing authority shall consider requisite shall be inserted in suitable places in the apparatus used for pasteurising during the whole of the pasteurising process, and the apparatus shall be thermostatically controlled and be provided with a device which shall automatically divert the flow of milk which has not been retained at a temperature of not less than 162° Fahrenheit for at least fifteen seconds. The type of apparatus and thermometers used and the methods employed shall be such as are satisfactory to the licensing authority." [623]

* * * * *

THE MILK IN SCHOOLS SCHEME

Circular 1565

September 25, 1941

Note.—From a date to be announced shortly the distribution of milk will be controlled. This Circular explains the action which must now be taken by schools in order to obtain Special Permits for the supply of milk which they require under the special financial terms of the Milk in Schools Scheme. It relates therefore only to milk for pupils to drink at school, and in the case of Boarding Schools and those Day Schools which provide meals it should be read with Circular 1564 which deals with the supply of liquid milk to schools for all purposes under the Milk Supply Scheme.

1. The Board desire to draw the special attention of all grant-aided schools to the added importance attaching to the Milk in Schools Scheme which will

result from the fixing of the supply of priority milk obtainable at home by school children at $\frac{1}{2}$ pint a day. The Milk in Schools Scheme provides the means of supplementing this priority quantity, and further of ensuring that this additional supply is actually consumed by the children for whom it is intended. The scheme must now be regarded therefore as an essential part of the national arrangements for distributing milk to children, and an obligation rests on every grant-aided school to enable its pupils to participate in the scheme and also to persuade each pupil to do so. In saying this the Board are sensible of the efforts, deserving of much praise, which teachers and Local Education Authorities have made to maintain the scheme despite the serious difficulties encountered in many areas during the past twelve months. The Milk Supply Scheme, however, now provides a definite foundation for securing a priority supply of milk for pupils to drink at school, and it rests with the schools and Local Education Authorities, in co-operation with the Regional Milk Supply Officers to make the scheme comprehensive. About 60 per cent. of the pupils in grant-aided schools are now taking milk under the scheme. Moreover in the areas of many Local Education Authorities the figure exceeds 70 per cent., while in certain areas it has been shown possible to achieve such high figures as 80 per cent. or even 90 per cent. No school operating the scheme therefore should rest satisfied until it has persuaded practically every pupil in the school to join in the scheme. Where a school has not operated the scheme or is temporarily without a supplier, some little time may elapse while the Regional Milk Supply Officer is making the necessary arrangements to meet the school's requirements, though the Milk Supply Scheme should render it easier to overcome difficulties hitherto encountered. It is desired that all cases of difficulty should be brought to notice with the aim of ensuring that as soon as possible every school has a full supply of milk.

The following instructions are framed with this end in view :—

Application for a Special Permit for Milk for Pupils to Drink at School.

2. (i) Each school participating in the Milk in Schools Scheme must obtain a form, Form MK/PT/S1, from the Local Food Office on which to apply for a Special Permit for the required supply of milk. The form is reproduced in the Appendix to this Circular and schools participating in the Milk in Schools Scheme must complete Sections A and D.

(ii) The school should enter the number of children expected at present to take $\frac{1}{2}$ pint and $\frac{3}{4}$ pint a day respectively. This estimate should be a reasonable one and not such as to divert to the supplier excessive supplies which will not be purchased by the school. As soon as the efforts of the school to persuade more children to take milk are successful, application should be made to the Local Food Office for an appropriate increase in the quantity permitted by the Special Permit.

(iii) In areas where it has hitherto been customary to provide other quantities than $\frac{1}{2}$ pint and $\frac{3}{4}$ pint the existing practice may be continued and the wording of Section A of Form MK/PT/S1 may be appropriately altered.

(iv) When the Special Permit is received "The Milk in Schools Scheme" should be written across the head of it and it should then at once be deposited with the nominated supplier.

(v) School Canteens, as such, are not entitled to supplies of milk under the Milk in Schools Scheme, but where the School Canteen is at or near the school there is no objection to children who take meals at the canteen drinking their school milk at dinner time. The arrangements announced in Circular 1561 for School Canteens to obtain supplies of dried separated milk powder are unaffected ; no permit for this is required.

Schools not at Present Participating in the Milk in Schools Scheme.

3. (i) Schools (eligible under the Scheme—see footnote) which have not hitherto participated in the Milk in Schools Scheme but now wish to do so should in the first instance seek a supplier under the scheme. In the case of schools under the control of the Local Education Authority it will generally be preferable, especially if a number of schools in the Authority's area are concerned, for this action to be undertaken by the Authority. When a supplier has been found application should at once be made for a Special Permit as indicated in the preceding paragraph.

(ii) Schools unable to find a supplier of milk under the Milk in Schools Scheme will not be in a position to complete the form of application for a Special Permit. They should, however, obtain a copy of Form MK/PT/S1 from the Local Food Office and complete Section A, leaving Section D blank. The form should not be returned to the Local Food Office but in the case of schools under the control of the Local Education Authority should be sent to the Authority for transmission to the Regional Milk Supply Officer. In some cases it will be of much assistance to this Officer if the Authority in transmitting these forms will also supply him with a summary of the situation, grouping the schools in districts. Where possible the Regional Officer should be given a very brief indication of the difficulty encountered, *e.g.* remoteness from any supplier, shortage of transport, etc. Schools not under the control of the Authority should send their incomplete application form direct to the Regional Milk Supply Officer whose address may be obtained from the Local Food Office.

(iii) Local Education Authorities are asked to give all possible assistance in dealing with the arrangements set out in the preceding paragraph, and to take steps to ensure that the case of every school in their area not at present obtaining school milk is brought under consideration, whether the school has previously participated in the Milk in Schools Scheme or not.

Note.—The Milk in Schools Scheme applies to Public Elementary Schools, grant-aided Secondary Schools, pupils under 18 at other grant-aided full time Schools, Centres or courses, Elementary Schools recognised by the Board as efficient, Junior Instruction Centres, the Duke of York's School, Dover, Elementary Schools under the War Office, Residential Poor Law Schools, and pupils under 16 at Occupation Centres for mentally defective children. "Grant-aided" means recognised for grant by the Board of Education.

Bulk Supplies of Milk for Schools.

4. The difficulties in the way of maintaining a supply of milk to schools in small bottles for each child are likely to increase during the winter, and the rapid growth which it is desired to secure in the number of children taking milk at schools will accentuate this problem. As already indicated in Circular 1548 the Board look to the teachers and Local Education Authorities to do everything in their power to prevent these difficulties from interrupting the provision of milk for children. Where the circumstances make this problem exceptionally difficult a full statement of the position should be made to the Milk Division of the Ministry of Food, Colwyn Bay. [624]

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Form MK/PT/S1.

APPENDIX

MINISTRY OF FOOD

Application for a Special Permit for the Supply of Liquid Milk

SECTION A.—To be completed only by grant-aided schools (see footnote) purchasing milk under the Milk in Schools Scheme.

(i) Number of children requiring $\frac{1}{2}$ pint per day	...	...	.....
(ii) Number of days per week	...	...	.....
(iii) Number of children requiring $\frac{3}{4}$ pint per day	...	...	.....
(iv) Number of days per week	...	...	.....
(v) Total quantity of milk required per week (gals.)	...	...	.....

NOTE.—In addition to grant-aided schools, Elementary Schools recognised as efficient, Junior Instruction Centres, Elementary Schools under the War Office, Residential Poor Law Schools. Occupation Centres for mentally defective children and other Institutions and Centres other than War-time Nurseries eligible under the Milk in Schools Scheme should complete Section A not Section C.

SECTION B.—To be completed by war-time nurseries purchasing milk under the Milk in Schools Scheme.

(i) Average daily number of children attending the nursery	...	.....
(ii) Number of days per week	...	.....
(iii) Total quantity of milk required per week (gals.)	...	.....

SECTION C.—To be completed by private and other non-grant-aided schools.

(i) Number of resident children requiring milk for drinking	...	.....
(ii) Number of non-resident children requiring milk for drinking	.....
(iii) Total quantity of milk required per week (gals.)	...	.....

SECTION D.

Name and address of nominated supplier :

.....

I apply for a special permit for :—

Gallons.	Pints.	Quantity in words.
.....

of milk per week.

Date.....

Signature.....

(Head Teacher or Principal)

N.B.—If in furnishing any information required above any person makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular he is guilty of an offence against the Defence (General) Regulations, 1939. [625]

MILK SUPPLY SCHEME

Circular 2494

October 1, 1941

Sir,

I am directed by the Minister of Health to enclose for the information of the Authority copies of Circulars 1564 and 1565 issued by the Board of Education with regard to various arrangements to be made under the Milk Supply Scheme.

It will be noted that schools conducted by Public Assistance Authorities or certified under Section 54 of the Poor Law Act, 1930, and War-time Nurseries (Non-residential) are affected.

The attention of the Welfare Authority is specially drawn to paragraphs 2 and 4 (iii) of Circular 1564, which explain the application of the Scheme to non-residential War-time Nurseries maintained by Welfare Authorities under the Ministry of Health Circular 2388 and the Authority should explain in due course to those in charge of War-time Nurseries how to proceed in applying for the Special Permit for milk for drinking.

County and County Borough Councils should also bring this information to the notice of those in charge of schools conducted by the Public Assistance Authority.

A copy of this Circular is being sent to the Medical Officer of Health.
[626]

* * * * *

GAS

ORDERS, CIRCULARS AND MEMORANDA :				PAGE		PAGE
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ORDERS, CIRCULARS AND MEMORANDA

THE GAS FUND (CONTRIBUTION) ORDER, 1941

S. R. & O., 1941, No. 34

January 9, 1941

In pursuance of the powers conferred upon them by section 7 of the Gas Regulation Act, 1920, as amended by the Gas Undertakings Act, 1934, and of all other powers enabling them in that behalf the Board of Trade hereby prescribe as follows :—

1. The rate of contribution to the Gas Fund for the year 1941 shall be—
 - (a) elevenpence for each five thousand therms in the form of gas sold during the year 1940 (excluding gas sold to other undertakers in bulk for distribution and gas supplied separately for industrial purposes only); and

(b) five and one halfpence for each five thousand therms in the form of gas supplied separately for industrial purposes only during the year 1940. [627]

2. Such contribution shall be paid on or before the 1st April, 1941, to the Board of Trade at Romney House East, Tufton Street, London, S.W.1, by all Gas Undertakers with respect to whom an Order under the Gas Regulation Act, 1920, shall have been made or to whom subsection (3) of section 7 of that Act applies by virtue of any public general Act, Special Act or Special Order. [628]

3. Payment of the contribution shall be by cheque made payable to the "Board of Trade" and crossed "Bank of England." [629]

4. This Order may be cited as the Gas Fund (Contribution) Order, 1941. [630]

* * * * *

THE GAS SUPPLY (WAR DAMAGE) ORDER, 1941

S. R. & O., 1941, No. 473

April 1, 1941

The Board of Trade, in pursuance of the powers conferred upon them by Regulation 50 of the Defence (General) Regulations, 1939, hereby order as follows :—

1.—(1) Where any undertakers are unable, because of any matter herein-after referred to, to maintain during any period a supply of gas of the declared calorific value, they shall not, by virtue of any provision of any Act or other instrument determining their functions, be under any obligation to supply gas of that calorific value during that period and accordingly they shall not be liable to make any payment or allow any credit in respect of any excess revenue, if the average calorific value of the gas supplied during the quarter in which that period occurs is less than the declared calorific value by reason of the calorific value of the gas actually supplied during that period.

(2) The matters referred to in the preceding paragraph are :—

(a) damage to the undertaking, or to the works or plant of any person by whom gas is supplied in bulk to the undertakers, occurring as a result of action taken by the enemy, or action taken in combating the enemy, or in repelling an imagined attack by the enemy ;

(b) measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of damage occurring to any undertaking or to any such works or plant as a result of such action as aforesaid ;

(c) precautionary or preparatory measures taken under proper authority in anticipation of action by the enemy by the undertakers, or any person by whom gas is supplied in bulk to the undertakers.

(3) In this Order—

"average calorific value", "declared calorific value" and "excess revenue" have the meanings assigned to them by the Gas Undertakings Acts, 1920 to 1934 ;

"undertaking" means a public utility undertaking for the supply of gas ; and "undertakers" has a corresponding meaning. [631]

2.—(1) This Order may be cited as the Gas Supply (War Damage) Order, 1941.

(2) The Gas Supply (War Damage) (No. 2) Order, 1940, is hereby revoked. [632]

* * * * *

THE DEFENCE (GAS CHARGES) ORDER, 1941

S. R. & O., 1941, No. 729

May 26, 1941

The Board of Trade in pursuance of the powers conferred upon them by Regulation 55 of the Defence (General) Regulations, 1939, hereby order as follows :—

1 —(1) Except under the authority of a licence granted by the Board of Trade under this Order and in accordance with any condition attaching thereto, the undertakers in respect of an undertaking supplying gas to the public shall not increase any price charged by them in respect of the supply of gas.

(2) This Order shall apply to any undertaking whether or not the carrying on thereof is authorised by any enactment or order. [633]

2. This Order may be cited as the Defence (Gas Charges) Order, 1941. [634]

* * * * *

DIRECTION AND ORDER, DATED MARCH 29, 1941, MADE BY THE BOARD OF TRADE UNDER REGULATION 56 OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 879

March 29, 1941

The Board of Trade, in pursuance of the powers conferred upon them by Regulation 56 of the Defence (General) Regulations, 1939, hereby direct and order as follows :—

1. No person shall publish or cause to be published copies of the accounts of any public utility undertaking for the supply of gas, being an undertaking carried on by a company, or copies of any report or other document relating to the operation of that undertaking which discloses information contained in those accounts, otherwise than to a Government Department, the local authorities within the limits for the supply of gas by that undertaking, the auditors of the undertaking, and such other persons as may be authorised in that behalf in writing by the Board of Trade.

Provided that such accounts, reports and documents may be inspected at the offices of the company by any person who, but for this Direction, would have been entitled to receive information as to the contents thereof, and who shall have given to the company notice in writing of his desire so to do not less than seven days previously. [635]

2. Any such company, as aforesaid, is hereby relieved of any obligation imposed upon it by virtue of the Companies Act, 1929, or the Companies Clauses Consolidation Act, 1845, which requires the production of any account, balance sheet or report at any meeting of the said company. [636]

3. For the purposes of this Direction and Order "company" shall mean any company incorporated by, or in pursuance of, any Act of Parliament, or by Royal Charter. [637]

* * * * *

ORDER, DATED MAY 22, 1941, MADE BY THE BOARD OF TRADE UNDER REGULATION 56 OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 880

May 22, 1941

The Board of Trade in pursuance of the powers conferred upon them by Regulation 56 of the Defence (General) Regulations, 1939, hereby order as follows :—

For the purposes of the Direction and Order made by the Board of Trade in pursuance of Regulation 56 of the Defence (General) Regulations, 1939, and dated the 29th day of March, 1941, any company, as defined in the said Direction and Order, which carries on a public utility undertaking for the supply of gas is hereby relieved of any obligation imposed upon it by virtue of section 110 of the Companies Act, 1929, to include in its annual return sent to the Registrar of Companies a written copy of the last balance sheet, including every document required by law to be annexed thereto, together with a copy of the report of the auditors thereon. [638]

* * * * *

DIRECTION, DATED JUNE 4, 1941, MADE BY THE BOARD OF TRADE UNDER REGULATION 56 OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 881

June 4, 1941

The Board of Trade, in pursuance of the powers conferred upon them by Regulation 56 of the Defence (General) Regulations, 1939, hereby direct as follows :—

No person shall publish or cause to be published copies of the accounts of any public utility undertaking for the supply of gas, being an undertaking carried on by a local authority, or copies of any report or other document relating to the operation of that undertaking which discloses information contained in those accounts, otherwise than to a Government Department, the other local authorities within the limits for the supply of gas by that undertaking, the auditors of the accounts of the undertaking, and such other persons as may be authorised in that behalf in writing by the Board of Trade.

Provided that such accounts, reports and documents may be inspected at the offices of the gas undertaking of the first mentioned local authority by any person who, but for this direction, would have been entitled to receive information as to the contents thereof, and who shall have given to that local authority notice in writing of his desire so to do not less than seven days previously. [639]

* * * * *

GENERAL LICENCE, DATED JUNE 9, 1941, MADE BY THE BOARD OF TRADE IN RESPECT OF GAS CHARGES.

S. R. & O., 1941, No. 882

June 9, 1941

The Board of Trade in pursuance of paragraph (1) of section 1 of the Defence (Gas Charges) Order, 1941, hereby authorise any increase in the price charged by undertakers in respect of the supply of gas to any person resulting from the terms of the contract under which gas was being supplied to him at the date of the said Order, being terms which provided that the price charged for gas shall vary in the specified manner according to the price paid by the undertaker for coal or to the quantity of gas supplied during any period to that person.

This Licence may be modified or revoked at any time. [640]

* * * * *

THE GAS (SPECIAL ORDERS) RULES, 1941

S. R. & O., 1941, No. 1159

July 30, 1941

The Board of Trade in pursuance of the powers conferred upon them by section 16 of the Gas Regulation Act, 1920, hereby make the following rules :—

I. Applicants for an Order shall publish an advertisement of their intended application once in a local newspaper circulating in the area to which the application relates and also in the London or Edinburgh Gazette as the case may require.

The advertisement shall contain—

- (1) the description and address of the applicants ;
- (2) a short general statement of the objects of the application ;
- (3) an intimation that a description of any proposed area of supply, any proposed new works and any land which it is proposed to use for the purpose of gas-works may be inspected on or before the date mentioned in the advertisement in accordance with paragraph (4) of this Rule at the office mentioned in the advertisement in accordance with paragraph (6) thereof ;
- (4) an intimation of the effect and (as nearly as may be) in the form of paragraph (1) of Rule V ;

- (5) a list of the addresses at which, in accordance with paragraph (4) of Rule II, copies of the Draft Order and of the maps (if any) have been deposited or sent for public inspection ;
 - (6) the address of an office situate within the existing or proposed areas of supply at which copies of the Draft Order may be purchased. [641]
- II. On or before the date on which publication of the advertisement is completed, the applicants shall—
- (1) serve a copy of the advertisement and of the description referred to in paragraph (3) of Rule I personally or by registered post on—
 - (a) every authority, company or person supplying or authorised to supply gas within any area proposed to be supplied by the applicants ;
 - (b) the owner, lessee and occupier of every dwelling-house situate within 300 yards of any land proposed to be used for the construction of works for the manufacture or storage of gas or the manufacture or conversion of residual products ;
 - (c) the owner and lessee of every railway, tramway, or canal along or across which it is proposed to lay any pipes or which it is proposed otherwise to affect or interfere with.
 - (2) deposit or send by registered post a copy of the advertisement, of the description referred to in paragraph (3) of Rule I and of the Draft Order—
 - (a) at or to the office of every local authority having jurisdiction within the existing or any proposed areas of supply ;
 - (b) at or to the Home Office (or, where the application relates to Scotland, the Scottish Home Department), Ministry of Health (or, where the application relates to Scotland, the Department of Health for Scotland), Ministry of War Transport, Ministry of Works and Buildings, Office of the Commissioners of Crown Lands, and General Post Office, and where the Draft Order affects the Duchy of Lancaster or the Duchy of Cornwall at the office of such Duchy.
 - (3) deposit or send by registered post a copy of the maps required by paragraphs (6) and (7) of Rule III (if any) at or to the Office of the Clerk of the Parliaments, House of Lords and the Committee and Private Bill Office, House of Commons.
 - (4) deposit or send by registered post, for public inspection, a copy of the Draft Order and of the maps required by paragraphs (6) and (7) of Rule III (if any)—
 - (a) at or to an office situate within the existing or proposed areas of supply ;
 - (b) at or to the office of the clerk of the council of every administrative county and the town clerk of the council of every county borough in England and Wales having jurisdiction within the existing or any proposed area of supply ;
 - (c) at or to the office of the principal sheriff clerk for each county in Scotland within which any part of the existing or any proposed area of supply is situate and, where any such county is divided into districts for sheriff court purposes, at the office of the sheriff clerk in each of such districts within which any part of the existing or any proposed area of supply is situate.

- (5) deposit a sufficient number of copies of the Draft Order at the office referred to in paragraph (6) of Rule I for sale at a price not exceeding one shilling each. [642]

III. The application for an Order shall be made in writing to the Director of Gas Administration, Board of Trade, London, S.W.1, within seven days of the date on which publication of the advertisement is completed and the applicants shall deposit therewith—

- (1) a copy of the newspaper and Gazette containing the advertisement ;
- (2) a copy of the description referred to in paragraph (3) of Rule I ;
- (3) lists of the names and addresses of the authorities, companies and persons upon whom a copy of the advertisement and of the description has been served in accordance with paragraph (1) of Rule II ;
- (4) a list of the local authorities with or to whom a copy of the advertisement, of the description and of the Draft Order have been deposited or sent by registered post in accordance with paragraph (2) (a) of Rule II ;
- (5) four copies of the Draft Order ;
- (6) where it is proposed that the applicants should be authorised (a) to use any lands for the manufacture or storage of gas or the manufacture or conversion of residual products or (b) to supply gas in any area in which they are not already authorised to supply gas, an Ordnance Map, or a photographic copy thereof, on a scale of not less than one inch to the mile showing the situation of the proposed works and of the existing works (if any) and the boundaries of the proposed area of supply and of the area (if any) in which the applicants are already authorised to supply gas ;
- (7) where it is proposed to authorise the use of any land for the construction of works, an Ordnance Map, or a photographic copy thereof, on the scale of 25 inches to the mile showing the land to be used ;
- (8) where the applicants are not a local authority,
 - (a) a statement of the existing capital and borrowing powers (if any) showing the amounts authorised, raised and expended ; and
 - (b) where capital or borrowing powers are sought, a certified statement showing, under separate heads, the purposes for which the capital or borrowing powers are required and the amount required for each purpose ;
- (9) if the applicants are a company incorporated under the provisions of the Companies Acts, a copy of their Memorandum and Articles of Association and of every registered special resolution of the company ;
- (10) a list of every special Act of Parliament and Order having the force of an Act relating to the undertaking ;
- (11) a cheque for £35 payable to the Assistant Secretary for Finance, Board of Trade. [643]

IV. The applicants or their agents shall prove compliance with the provisions of the foregoing Rules. Six days' notice will be given of the day and hour at which they shall attend for the purpose at the office of the Board of Trade if so required. [644]

V.—(1) Any local or other public authority, company or person desiring to bring before the Board of Trade any objection to the Draft Order may do

so by registered letter addressed to the Director of Gas Administration, Board of Trade, London, S.W.1, and despatched on or before a date to be stated in the advertisement which shall not be earlier than 30 days after the date on which publication of the advertisement will be completed. Any such objection shall state :—

- (a) the specific grounds of objection ; and
- (b) the omissions, additions or modifications asked for.

A copy of the objection shall be forwarded to the applicants for the Order or their agents at the same time as it is sent to the Board of Trade.

(2) No part of the month of August shall be included in calculating the above-mentioned period of 30 days.

(3) As soon as practicable after the period allowed for objections has expired, the applicants shall furnish the Board of Trade (a) with replies to any objections which have been made and (b) with three copies of the Draft Order showing any amendments which the applicants wish to be made therein. A copy of the replies to the objections shall at the same time be sent to the respective objectors. [645]

VI. The applicants shall furnish the Board of Trade with such information and documents as they may require in connection with the application, including :—

- (1) Where it is proposed to authorise the use of any lands for the manufacture or storage of gas or the manufacture or conversion of residual products, the deed of conveyance or lease to, or the contract for purchase by, the applicants of all lands to be so used.*
- (2) Where the applicants are a company (a) applying for capital or borrowing powers or (b) proposing to purchase or amalgamate with another undertaking, a certified copy of a resolution approving the application, passed by shareholders or stockholders qualified to vote at ordinary meetings of the company who were present (either in person or by proxy) at a general meeting and who held at least three-fourths of the paid-up capital of the company represented by the votes at such meeting. A certified copy of the notice convening the meeting should also be furnished.
- (3) Where the applicants propose to purchase, or to amalgamate with, another undertaking proof will be required that the purchase or amalgamation is approved by the proprietors of the other undertaking concerned. [646]

VII. In addition to the fee of £35 any extraordinary expenses incurred by the Board of Trade in connection with an inquiry into the application or otherwise shall be payable by the applicants. [647]

VIII. In these Rules :—

“ Local authority ” means, in England and Wales, the council of an administrative county, county borough, or county district, and in Scotland, a county council and a town council ;

“ Occupier ” applies only to ratepayers and to other persons not being ratepayers whose interests in the premises occupied is not less than that of a quarterly tenant ;

“ Order ” means a Special Order in pursuance of Section 10 of the Gas Regulation Act, 1920, and “ Draft Order ” means the Order applied for or to be applied for by the applicants. [648]

* These documents will be returned to the applicants when they have been inspected on behalf of the Board of Trade.

IX. The Gas (Special Orders) Rules, 1922, are hereby revoked. [649]

X. These Rules may be cited as the Gas (Special Orders) Rules, 1941 and shall come into operation from the date hereof. [650]

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GENERAL LICENCE, DATED AUGUST 15, 1941, MADE BY THE BOARD OF TRADE IN RESPECT OF GAS CHARGES

S. R. & O., 1941, No. 1228

August 15, 1941

The Board of Trade in pursuance of subparagraph (1) of paragraph 1 of the Defence (Gas Charges) Order, 1941, hereby authorise any undertakers to increase the price charged by them in any period in respect of the supply of gas at any factory to a person who during the year immediately preceding that period took from the undertakers at that factory not less than 150,000 cubic feet of gas,

Provided that no such increase shall be authorised hereby unless previous notice thereof in writing shall have been given by the undertaker to the Board of Trade.

This Licence may be modified or revoked at any time. [651]

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GOVERNMENT CONTROL

ORDERS, CIRCULARS AND MEMO- RANDA :—	PAGE	Defence (General) Regulations :	PAGE
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Regulation 54B amended -	251		

ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL . . . AMENDING REGULATION . . . 54B OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1038

July 18, 1941

* * * * *

4. Regulation fifty-four B of the principal Regulations shall be amended as follows :—

(a) In paragraph (1) for the word " Regulation " there shall be substituted the word " paragraph."

(b) After paragraph (1) there shall be inserted the following paragraph :—

"(1A). If it appears to a competent authority to be expedient in the interests of the public safety, the defence of the realm, the maintenance of public order, or the efficient prosecution of the

war, or of maintaining supplies or services essential to the life of the community, to give to any local authority instructions as to the performance of their functions requiring the local authority to do or to refrain from doing anything specified in the instructions or to perform any functions in a manner so specified, the competent authority, and any person authorised by the competent authority to act under this paragraph, may for such purposes give to the local authority such general or special instructions as the competent authority thinks proper in the interests aforesaid ; and in relation to any offence consisting of a contravention of, or failure to comply with, any requirement imposed on a local authority by an instruction given under this paragraph, Regulation ninety-one of these Regulations (which relates to offences by corporations) shall have effect as if for the word 'director' there were therein substituted the word 'member'."

- (c) In paragraph (2) after the word " directions " there shall be inserted the words " or instructions " and for the words " instructions given " there shall be substituted the words " restrictions imposed ".
[652]

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ORDER IN COUNCIL . . . AMENDING REGULATION 54B . . . OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1597

* * * * *

2. Regulation fifty-four B of the principal Regulations shall be amended by inserting at the end thereof the following paragraph :—

" (4) For the purposes of this Regulation the Board of Education shall be a competent authority as well as the Ministers and authorities mentioned in paragraph (1) of Regulation forty-nine of these Regulations." [653]

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HARBOURS, DOCKS AND WHARVES

See also AIR RAID PRECAUTIONS

ORDERS, CIRCULARS AND MEMORANDA :—	PAGE		PAGE
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Southampton Harbour Board (Extension of Term of Office) Order, 1941	254	Newport Harbour Commissioners (Extension of Term of Office) Order, 1941	256
		Great Yarmouth Port and Haven Commissioners (Extension of Term of Office) Order, 1941	257

ORDERS, CIRCULARS AND MEMORANDA

THE GREAT YARMOUTH PORT AND HAVEN COMMISSIONERS (OCCASIONAL VACANCIES) ORDER, 1941

S. R. & O., 1941, No. 52*January 15, 1941*

At the Court at Buckingham Palace, the 15th day of January, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas application has been made on behalf of the Great Yarmouth Port and Haven Commissioners praying that His Majesty may be graciously pleased to make an Order in Council under section two of the Chartered and Other Bodies (Temporary Provisions) Act, 1939, with respect to the filling of vacancies among the elected Commissioners referred to in paragraph (B) of section seven of the Great Yarmouth Port and Haven Act, 1911 (in this Order referred to as "the principal Act"):

Now, therefore, His Majesty in exercise of the powers conferred on Him by the said section two, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) Sections thirty-two and thirty-three of the principal Act shall not apply for the purpose of filling any occasional vacancy arising among the elected Commissioners before the close of the yearly meeting of the Commissioners in the year nineteen hundred and forty-two.

(2) Any such vacancy shall be filled by the co-option—

(a) in the case of a vacancy in the office of the Commissioner representing the persons registered in the yacht-owner's list, by the remaining elected Commissioners, and

(b) in the case of a vacancy among the Commissioners representing either of the other bodies of persons mentioned in the said paragraph (B) of section seven of the principal Act, by the remaining Commissioners representing that body,

of a person who would be qualified, in accordance with the proviso to the said section seven and with section eight of the principal Act, to be elected to fill the vacancy at an election held on the date of his co-option.

(3) Any person so co-opted shall continue in office for the same period as the person for whom he is substituted would have been entitled to continue in office. [654]

2.—(1) This Order may be cited as the Great Yarmouth Port and Haven Commissioners (Occasional Vacancies) Order, 1941.

(2) This Order shall have effect as from the first day of June, nineteen hundred and forty.

(3) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament. [655]

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THE SOUTHAMPTON HARBOUR BOARD (EXTENSION OF TERM OF OFFICE) ORDER, 1941

S. R. & O., 1941, No. 53

January 15, 1941

At the Court of Buckingham Palace, the 15th day of January, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas application has been made on behalf of the Southampton Harbour Board praying that His Majesty will be graciously pleased to make an Order in Council under section two of the Chartered and Other Bodies (Temporary Provisions) Act, 1939, with respect to the members of that Board elected by the following classes of electors mentioned in section fourteen of the Southampton Harbour Act, 1913, that is to say—

owners of foreign-going vessels,
owners of coasting vessels,
traders,
water-side frontagers :

Now, therefore, His Majesty in pursuance of the powers conferred on Him by the said section two, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1.—(1) The members of the Board elected by the said classes of electors and holding office at the date from which this Order has effect shall be entitled to continue in office until the twenty-fifth day of March, nineteen hundred and forty-four.

(2) No election shall be held under the Southampton Harbour Act, 1913, to fill any vacancy arising before the said twenty-fifth day of March among the members of the Board representing any of the said classes of electors ; but any such vacancy shall be filled by the co-option by the remaining members, representing that class, or, if there be none, then by the remaining members of the Board, of a person eligible for election under subsection (2) of section fifteen of that Act and not disqualified from being or acting as a member of the Board ; and any person so co-opted shall hold office for the time during which the member of the Board in whose stead he is co-opted would have been entitled to continue in office.

(3) It shall not be necessary for new lists of the electors of the said classes to be made in the year nineteen hundred and forty-one, nor for any entry in respect of the years nineteen hundred and forty-one and nineteen hundred and forty-two to be made in the register provided for by section twenty-two of the Southampton Harbour Act, 1913 ; and no person shall by virtue of section twenty-four of the said Act be under an obligation to do anything for the purpose of enabling any such entry to be made. [656]

2.—(1) This Order may be cited as the Southampton Harbour Board (Extension of Term of Office) Order, 1941.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

(3) This Order shall have effect as from the first day of January, nineteen hundred and forty-one. [657]

THE IPSWICH DOCK COMMISSION (EXTENSION OF TERM OF OFFICE) ORDER, 1941

*S. R. & O., 1941, No. 263**February 28, 1941*

At the Court at Buckingham Palace, the 28th day of February, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas application has been made on behalf of the Ipswich Dock Commission praying that His Majesty may be graciously pleased to make an Order in Council under section two of the Chartered and Other Bodies (Temporary Provisions) Act, 1939, with respect to the Ipswich Dock Commissioners elected in accordance with the provisions of the Ipswich Dock Act, 1913 :

Now, therefore, His Majesty in pursuance of the powers conferred on Him by the said section two, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council to order and it is hereby ordered as follows :—

1.—(1) The elected Commissioners holding office at the date from which this Order has effect shall be entitled to continue in office until the second Thursday in the month of February, nineteen hundred and forty-four.

(2) No election shall be held under the Ipswich Dock Act, 1913, to fill any vacancy arising before the said day among the elected Commissioners and any such vacancy shall be filled by the co-option by the remaining Commissioners representing the same class of electors as the Commissioner whose vacancy is to be filled, or, if there be none, by all the remaining Commissioners, of a person eligible for election under section thirty of the said Act and not disqualified from being elected or being a Commissioner, and any person so co-opted shall hold office for the time during which the Commissioner in whose stead he is elected would have been entitled to continue in office.

(3) It shall not be necessary for new lists of electors to be compiled in the year nineteen hundred and forty-one, nor for the registers provided for in section eleven of the Ipswich Dock Act, 1913, to be prepared and kept in respect of the years nineteen hundred and forty to nineteen hundred and forty-three inclusive; no person shall by virtue of section thirteen of the said Act be under an obligation to do anything for the purpose of enabling such registers to be prepared and kept and the lists of electors to be used in the elections to take place in the year nineteen hundred and forty-four shall be compiled from the registers prepared and kept in respect of the years nineteen hundred and thirty-eight to nineteen hundred and forty inclusive. [658]

2.—(1) This Order may be cited as the Ipswich Dock Commission (Extension of Term of Office) Order, 1941.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

(3) This Order shall have effect as from the first day of January, nineteen hundred and forty-one. [659]

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THE NEWPORT HARBOUR COMMISSIONERS (EXTENSION OF TERM OF OFFICE) ORDER, 1941

S. R. & O., 1941, No. 582

April 25, 1941

At the Court at Buckingham Palace, the 25th day of April, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas application has been made on behalf of the Newport Harbour Commissioners praying that His Majesty will be graciously pleased to make an Order in Council under section two of the Chartered and Other Bodies (Temporary Provisions) Act, 1939, with respect to the Commissioners elected by the following classes of electors mentioned in section seventeen of the Newport (Monmouthshire) Harbour Act, 1890, that is to say,—

registered shipowners of the port of Newport,
persons engaged in the smelting of iron shipped at the said port,
person engaged in the mining and working of coal shipped at the said port :

Now, therefore, His Majesty in pursuance of the powers conferred on Him by the said section two, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1.—(1) The Commissioners elected by the said classes of electors and holding office at the date from which this Order has effect shall be entitled to continue in office until the first Monday in the month of June in the year nineteen hundred and forty-four, and accordingly the triennial election of Commissioners under the Newport (Monmouthshire) Harbour Act, 1890, shall not be held until the year nineteen hundred and forty-four.

(2) The operation of section twenty-three of the said Act (which relates to the registration of persons, claiming to be entitled to vote at elections) shall be suspended until the year nineteen hundred and forty-four. [660]

2.—(1) This Order may be cited as the Newport Harbour Commissioners (Extension of Term of Office) Order, 1941.

(2) This Order shall have effect as from the first day of March, nineteen hundred and forty-one.

(3) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. [661]

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HOUSING ★

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STATUTES

THE HOUSING (FINANCIAL PROVISIONS) ACT, 1938 (1 & 2 Geo. 6, c. 16)

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* See also Lumley's Public Health, 11th ed. (1939), Vol. II.

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An Act to amend the law with respect to the making of contributions out of the Exchequer and by local authorities in respect of housing accommodation provided for the working classes, and with respect to arrangements between local authorities and other persons for the provision of housing accommodation; and for purposes connected with the matters aforesaid. [527] [30th March, 1938.]

Government Contributions.

1. General provision for contributions in respect of housing accommodation provided by local authorities.—(1) Subject to the provisions of this Act, the Minister shall undertake to make, and shall make, in respect of each new house completed after the beginning of the year nineteen hundred and thirty-nine by way of housing accommodation provided by a local authority and approved for the purposes of this section by the Minister, being housing accommodation to which this section applies, payment to that local authority of an annual contribution of the amount of five pounds ten shillings for a period of forty years :

Provided that no contribution shall be payable under this section in respect of any house in respect of which a contribution is payable under the next following section. [528]

(2) The annual amount of any contribution which, under this section, the Minister must make, and undertake to make, in respect of a flat provided in a block of flats on a site the cost of which as developed (ascertained in accordance with the Schedule to this Act) exceeds one thousand five hundred pounds per acre, shall, instead of five pounds ten shillings, be the appropriate amount prescribed by that Schedule. [529]

(3) If, with respect to any proposals of the council of any non-county borough or urban district to provide any housing accommodation to which this section applies, the Minister, upon an application made by the borough or district council, is satisfied after consultation with the county council and having regard to any conditions which may be laid down by the Treasury,—

(a) that the houses in the borough or district which are occupied by members of the working classes are let at rents substantially less on the average than the average of the rents of houses so occupied in non-county boroughs and urban districts in England generally, and

- (b) that when the amount of the expenditure incurred or to be incurred by the borough or district council under the enactments relating to housing is considered in relation to the financial resources of the borough or district, the provision of the said accommodation would impose an undue burden on the borough or district, unless the annual amount of any contribution payable under this section in relation to that accommodation exceeds five pounds ten shillings,

then, if the Minister thinks fit so to determine, the annual amount of any contribution which under this section he must make, and undertake to make, in respect of any house provided by the borough or district council in carrying out the said proposals (being a contribution which apart from this subsection would be of the annual amount of five pounds ten shillings) shall, instead of that amount, be six pounds ten shillings. [530]

(4) The last preceding subsection shall have effect in relation to any proposals of the council of a rural district to provide any housing accommodation to which this section applies, as that subsection has effect in relation to proposals of the council of any non-county borough or urban district subject however to the modification that for any reference in that subsection to the borough or district council, to the borough or district, or to non-county boroughs and urban districts there shall be substituted a reference to the rural district council, to the rural district or to rural districts, as the case may be. [531]

- (5) This section applies to housing accommodation which—

(a) is rendered necessary—

(i) by displacements of persons occurring in connection with any action taken by the local authority under the principal Act for the demolition of insanitary houses, for dealing with clearance or improvement areas or for closing parts of buildings, or

(ii) by displacements, occurring in the carrying out of re-development in accordance with a re-development plan, from houses which are unfit for human habitation and are not capable of being rendered fit for human habitation at reasonable expense, or

- (b) is required for the purpose of the abatement of overcrowding in the area of the local authority, or rendered necessary by displacements, occurring in the carrying out of re-development as aforesaid, from houses other than such as are mentioned in sub-paragraph (ii) of the preceding paragraph. [532]

(6) As respects the administrative county of London exclusive of the City of London, both the London County Council and the council of a metropolitan borough shall be local authorities for the purposes of this section except subsection (3) thereof. [533]

(7) Subsection (2) of section eighty-nine, subsection (3) of section one hundred and sixty-nine and subsection (2) of section one hundred and seventy-two of the principal Act shall have effect as if the references in those subsections to section one hundred and five of that Act included references to this section. [534]

2. Contributions in respect of agricultural housing accommodation provided by local authorities.—(1) Subject to the following provisions of this Act, the Minister shall undertake to make, and shall make, in respect of each new house completed after the beginning of the year nineteen hundred and thirty-nine which, with the approval of the Minister, is provided by the council of a county district by way of housing accommodation required for the agricultural population of the district, payment to that council of an annual contribution of the amount of ten pounds for a period of forty years :

Provided that if, with respect to any proposals of such a council to provide such housing accommodation as aforesaid, the Minister, upon an application made by the council, is satisfied, after consultation with the county council and having regard to any conditions which may be laid down by the Treasury, that the provision of the said accommodation would, without an increase of any contribution which would otherwise be payable under this section in relation to that accommodation, impose an undue burden on the county district by reason of—

(a) the exceptionally high cost of providing the accommodation, and

(b) the amount of the rents which it will be practicable for the council of the county district to charge for the accommodation, then, if the Minister thinks fit so to determine, the annual amount of any contribution which under this section he must make, and undertake to make, in respect of any house provided by the last-mentioned council in carrying out the said proposals shall, instead of ten pounds, be such greater amount not exceeding twelve pounds as the Minister may determine. [535]

(2) The council of a county district shall secure that a number of houses equal to the number of houses (if any) in respect of which contributions are payable under this section to the council are reserved for members of the agricultural population, except in so far as the demand for housing accommodation in the county district on the part of members of the agricultural population can be satisfied without such reservation. [536]

(3) Section one hundred and thirty-six of the principal Act shall apply for the purposes of this section as it applies for the purposes of the provisions of the principal Act which relate to Government contributions to the expenses of local authorities in providing accommodation available for displaced persons; and subsection (2) of section eighty-nine, subsection (3) of section one hundred and sixty-nine and subsection (2) of section one hundred and seventy-two of the principal Act shall have effect as if the references in those subsections to section one hundred and five of that Act included references to this section. [537]

For s. 136 of the principal Act, see 29 Halsbury's Statutes 659.

3. Contributions in respect of agricultural housing accommodation provided by persons other than local authorities.—(1) Where the council of a county district are satisfied that in any particular case housing accommodation required for members of the agricultural population of the district could more conveniently be provided by some person other than the council, they may, subject to any conditions imposed

by the Minister, make arrangements for the provision of such accommodation by that person; and if the Minister is satisfied that the arrangements are such as to secure that any house provided in pursuance thereof—

- (a) is reserved for members of the agricultural population, and
- (b) if let, is let at a rent not exceeding—
 - (i) the weekly rent which, by any order of the appropriate agricultural wages committee in force at the time of the letting, is determined as the value at which the benefit or advantage of a cottage is to be reckoned as payment of wages in lieu of payment in cash for the purpose of any minimum rate of wages fixed by the said committee under the Agricultural Wages (Regulation) Act, 1924, or
 - (ii) if no such rent is so determined, such weekly rent as may be determined by the council of the county district, and
- (c) is suitable in respect of its size and construction, then, subject to the following provisions of this Act, the Minister may undertake to make, and may make, in respect of each new house which, with his approval, is provided in pursuance of the arrangements, payment to that council of an annual contribution of such amount not exceeding ten pounds as the Minister may determine, being a contribution payable for a period of forty years; and in that event the council shall pay by way of annual grant to the owner of the house an amount not less than the contribution paid by the Minister:

Provided that no contribution under this section shall be payable in respect of any house for any year, unless—

- (i) the conditions specified in paragraphs (a) and (b) of this subsection are observed in relation to that house throughout that year, and
- (ii) the council of the county district certify to the Minister that all reasonable steps have been taken to secure the maintenance of that house in a proper state of repair during that year.

[538]

(2) Where a house provided under arrangements made in pursuance of this section is let together with other land at a single rent, such proportion of that rent as the council of the county district may determine shall be deemed, for the purpose of paragraph (b) of subsection (1) of this section, to be the rent at which the house is let.

[539]

4. Contributions to be paid out of Exchequer.—The sums required for the payment of any contribution which the Minister is required or authorised by the preceding sections of this Act to make shall be paid out of moneys provided by Parliament; and any such contribution as aforesaid, not being a contribution payable under the last preceding section, shall be deemed for the purposes of the principal Act to be an Exchequer contribution. [540]

5. Review of contributions.—Section one hundred and nine of the principal Act (which provides for a review of certain contributions)

shall have effect subject to the following amendments, that is to say :—

- (a) for subsection (1) of that section there shall be substituted the following subsection :—

“(1) In the year nineteen hundred and forty-one, after the beginning of October in that year, and in each third succeeding year, after the beginning of October in that year, the Minister shall, in connection with contributions which he is required to make under section one or section two of the Housing (Financial Provisions) Act, 1938, take into consideration the amount of expenses likely to be incurred by local authorities, in the period of three years beginning with the next following first day of April, in connection with operations relevant to the question whether or not contributions are payable under that section, and also the amount of expenses already incurred by local authorities in connection with such operations ”; and

- (b) in subsection (3) of that section for the words “ nineteen hundred and thirty-seven, be the thirty-first day of March nineteen hundred and thirty-eight ” there shall be substituted the words “ nineteen hundred and forty-one, be the thirtieth day of September nineteen hundred and forty-two ”;

and subsection (2) of that section shall be deemed not to have come into operation until the date of the passing of this Act. [541]

For s. 109 of the principal Act, see 29 Halsbury's Statutes 645.

Contributions out of Rates.

6. Local authorities' contributions.—(1) A local authority to whom the Minister has, under section one of this Act, undertaken to make a contribution in respect of any house shall, for each financial year during the period of sixty years from the completion of the house, make out of the general rate fund a contribution of the annual amount, calculated by reference to a period of sixty years, equivalent to half the annual amount of the Minister's contribution payable for a period of forty years :

Provided that, where the annual amount of the contribution which the Minister has so undertaken to make is six pounds ten shillings, the contribution to be made under this subsection by the local authority shall be of the annual amount, calculated as aforesaid, equivalent to two pounds fifteen shillings payable for a period of forty years. [542]

(2) Any council of a county district to whom the Minister has, under section two of this Act, undertaken to make a contribution in respect of any house shall, for each financial year during the period of sixty years from the completion of the house, make out of the general rate fund a contribution of the annual amount, calculated by reference to a period of sixty years, equivalent to one pound a year payable for a period of forty years. [543]

(3) Where a local authority are of opinion that any contribution payable by them under subsection (1) or subsection (2) of this section should be provided by annual instalments during a period of less than sixty years, the Minister may, upon an application made by that local authority, direct that the said subsection (1) or subsection (2), as the

case may be, shall have effect in relation to that contribution as if for any reference in that subsection to a period of sixty years there were substituted a reference to such period, not being less than forty years, as the Minister thinks proper. [544]

(4) It shall be a condition of the right of a local authority to receive any contribution which, for the purposes of the principal Act, is or is to be deemed to be an Exchequer contribution, that the local authority shall make out of the general rate fund the contributions which they are required by section one hundred and fourteen of the principal Act and by this section to make; and in section one hundred and fourteen of the principal Act the words from "and it shall be a condition" to the end of the section shall cease to have effect. [545]

(5) The following provisions of the principal Act, that is to say, section eighty-six, subsection (1) of section one hundred and twenty-nine and subsection (2) of section one hundred and thirty, shall have effect as if any reference in those provisions to the Eighth Schedule to that Act included a reference to this section. [546]

7. County councils' contributions.—(1) In respect of each house in respect of which the Minister—

- (a) has, under section one of this Act, undertaken to make to the council of any county district payment of an annual contribution of the amount of six pounds ten shillings, or
- (b) has, under section two of this Act, undertaken to make to the council of a county district payment of an annual contribution of the amount of ten pounds,

the council of the county of which the county district forms part shall make, for each financial year during the period of forty years from the completion of the house, payment of a contribution of the amount of one pound to the council of the county district. [547]

(2) In respect of each house in respect of which the Minister has, under section two of this Act, undertaken to make to the council of a county district payment of an annual contribution of any amount in excess of ten pounds which is payable by virtue of the proviso to subsection (1) of that section, the council of the county of which the county district forms part shall make, for each financial year during the period of forty years from the completion of the house, payment to the council of the county district of a contribution of the amount of one pound plus a sum equal to the excess. [548]

(3) If, under section one hundred and thirteen of the principal Act as amended by this Act, the amount or the payment of any contribution payable under section two of this Act to the council of a county district is reduced, or, as the case may be, suspended or discontinued, by the Minister on the ground that the council have failed to discharge the duty imposed upon them by the last-mentioned section to reserve housing accommodation for members of the agricultural population, the county council shall not be under any liability to make to the council of the county district, under the preceding provisions of this section, any contribution for any year in respect of which the Minister's contribution is not paid in full. [549]

(4) Subsection (1) of section one hundred and twenty-nine of the principal Act shall have effect as if the reference in paragraph (c) of that

subsection to section one hundred and fifteen of that Act included a reference to this section. [550]

Amendments as to arrangements between local authorities and other persons.

8. Amendment of section ninety-four of the principal Act.—Subsection (1) of section ninety-four of the principal Act (which enables local authorities to make arrangements with housing associations for the provision of housing accommodation) shall have effect as if for paragraphs (a) to (c) of that subsection there were substituted the following paragraph :—

“(a) to provide any housing accommodation which the local authority are empowered under this Act to provide;”.
[551]

For s. 94 of the principal Act, see 29 Halsbury's Statutes 636.

9. Continuation of Government contributions in certain cases where houses become vested in local authorities.—Where, after the commencement of this Act, any house which has, with the assistance of a local authority given under section two of the Housing, &c. Act, 1923, been provided by some person other than a local authority becomes vested in the local authority by reason of any default on the part of that person or his successor in title, then, if at the time of the vesting, the house is a house in respect of which a contribution is payable by the Minister under section one of the said Act, the Minister may continue to make payments by way of that contribution as if the house had been provided by the local authority. [552]

Transitional and supplementary provisions.

10. Transitional provisions.—(1) No contribution shall, under any of the provisions of sections one hundred and five to one hundred and eight of the principal Act or under subsection (2) or subsection (3) of section one hundred and fifteen of that Act, be payable by the Minister or a county council in respect of any new house completed after the beginning of the year nineteen hundred and thirty-nine. [553]

(2) Any house provided by a local authority, with the approval of the Minister, by way of housing accommodation other than such as is mentioned in paragraph (a) of subsection (5) of section one of this Act, being a house for the erection of which no contract has been entered into by that authority before the third day of February nineteen hundred and thirty-eight, shall be treated for the purposes of this Act as if it were a house completed after the beginning of the year nineteen hundred and thirty-nine, notwithstanding that it was in fact completed before the beginning of that year. [554]

(3) Where, by virtue of the preceding provisions of this section, a contribution which the Minister or a county council would otherwise be required or authorised by the principal Act to make is not payable, any duty or power of the Minister or the council to give an undertaking to make such a contribution shall cease.

Any such undertaking which has been given by the Minister or a county council before the date of the passing of this Act shall, if and so far as it relates to a house in respect of which a contribution becomes payable under section one or section two of this Act by the Minister or the county council, be deemed for the purposes of the principal Act not to have been given; and the obligations to contribute which are imposed on local authorities by section one hundred and fourteen of that Act shall be limited accordingly. [555]

11. Interpretation, and construction of Act with principal Act.—

(1) In this Act—

- (a) the expression “the principal Act” means the Housing Act, 1936; and
- (b) subject as hereinafter provided, the expression “block of flats” means a building which contains two or more flats, and which consists of three or more storeys exclusive of any storey constructed for use for purposes other than those of a dwelling;

and (without prejudice to the operation of subsection (3) of section one hundred and eighty-eight of the principal Act) any reference in this Act to a house shall be construed as including a reference to a flat:

Provided that, for the purposes of this Act, a building shall, notwithstanding that it does not in all parts exceed two storeys in height, be deemed to be a building of three storeys, if the Minister is satisfied that the total accommodation provided in that building is not less than the accommodation which could have been provided in a building on the same superficial area if the building had in all parts been of three storeys. [556]

(2) This Act shall be construed as one with the principal Act; and in the principal Act the expression “the Housing Acts” shall, unless the context otherwise requires, be construed as including this Act. [557]

12. Short title, citation and extent.—(1) This Act may be cited as the Housing (Financial Provisions) Act, 1938; and the principal Act and this Act may be cited together as the Housing Acts, 1936 and 1938.

(2) This Act shall not extend to Scotland or to Northern Ireland. [558]

SCHEDULE.

Sect. 1 (2).

PROVISIONS FOR ASCERTAINING THE VALUE OF CERTAIN SITES, AND THE AMOUNT OF GOVERNMENT CONTRIBUTIONS IN RESPECT OF FLATS IN BLOCKS ON SUCH SITES.

1. The annual amount of any contribution which, by virtue of subsection (2) of section one of this Act, is payable under that section in respect of a flat shall, if the flat is provided in a block of flats on a site of such cost

as is specified in the first column of the following Table, be the corresponding sum specified in the second column of that Table :—

TABLE.

Where the cost per acre of the site as developed—	£	s.	d.
exceeds £1,500 but does not exceed £4,000 — — —	11	0	0
exceeds £4,000 but does not exceed £5,000 — — —	12	0	0
exceeds £5,000 but does not exceed £6,000 — — —	13	0	0
exceeds £6,000 but does not exceed £8,000 — — —	14	0	0
exceeds £8,000 but does not exceed £10,000 — — —	15	0	0
exceeds £10,000 but does not exceed £12,000 — — —	17	0	0
exceeds £12,000 — — —	17	0	0
increased by £1 0s. 0d. for each additional £2,000, or part of £2,000, in the cost per acre of the site as developed :			

Provided that the annual amount of the contribution payable by virtue of this Schedule in respect of any one flat shall not exceed twenty-six pounds.

2. For the purposes of this Act the cost of a site as developed means the cost, or, in the case of a site not purchased by the local authority under any enactment relating to housing, the value as certified by the Minister, of the site, including—

- (a) any such expenses as in the opinion of the Minister are requisite for making the site available for the purpose of the provision of the flats, being expenses incurred by the local authority in the construction or widening of streets, the construction of sewers or the execution of any special works rendered necessary by the physical characteristics of the land, and
- (b) any such expenses incurred in respect of other matters as the Minister, with the consent of the Treasury, may determine to be expenses properly forming part of the cost of making the site available for that purpose.

The amount of the expenses to be included under this paragraph shall be such as may be estimated by the authority and approved by the Minister.

3. In determining the number of acres in a site, any land which is acquired for the purpose of the provision of the flats, and which is used as new street space on which the block of flats will abut, shall be deemed to form part of the site.

4. If the Minister thinks fit so to determine in relation to any two or more buildings, each containing two or more flats, on sites each of which is contiguous with the other or another, as the case may be, or is superficially separated therefrom by a street or public highway only, the several buildings shall, for the purposes of this Schedule, be treated as if they were one building on a single site the cost of which as developed was the sum obtained by adding together the cost of each of the actual sites as developed. [559]

THE HOUSING (RURAL WORKERS) AMENDMENT ACT, 1938

(1 & 2 Geo. 6, c. 35)

ARRANGEMENT OF SECTIONS

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An Act to amend the Housing (Rural Workers) Acts, 1926 and 1931.
[560]
[23rd June, 1938.]

1. Extension of time for applying for assistance under s. 2 of 16 & 17 Geo. 5, c. 56.—(1) Subsection (2) of section two of the Housing (Rural Workers) Act, 1926 (in this Act referred to as “the principal Act”) shall have effect as if the thirtieth day of September nineteen hundred and forty-two were therein substituted for the twenty-fourth day of June nineteen hundred and thirty-eight, and section four of the principal Act (which relates to Government contributions to expenses of local authorities under the principal Act) shall have effect accordingly.
[561]

(2) Subject to the provisions of any amending scheme made by a local authority with the approval of the Minister, any reference in a scheme under the principal Act to any date, being a reference which is by virtue of subsection (2) of section thirty-seven of the Housing Act, 1935, to be construed as a reference to the twenty-fourth day of June nineteen hundred and thirty-eight, shall be construed as a reference to the thirtieth day of September nineteen hundred and forty-two.
[562]

For s. 2 of the Housing (Rural Workers) Act, 1926, see 13 Halsbury's Statutes 1163. Under the original section no assistance under the principal Act could be given unless the application therefor were received by the local authority before 1st October, 1931. The date was extended by the Housing (Rural Workers) Amendment Act, 1931 (24 Halsbury's Statutes 370), and by s. 37 of the Housing Act, 1935 (28 Halsbury's Statutes 228), to 24th June, 1938, and is now further extended.

2. Power to pay lump sum grants in instalments.—(1) In paragraph (a) of subsection (4) of section two of the principal Act (which specifies the ways in which a grant may be made thereunder), for the words “by way of a lump sum payment to be made after the completion of the works”, there shall be substituted the words “by way of a lump sum payment, to be made either after the completion of the works or

"partly in instalments from time to time as the works progress and as to the balance after the completion of the works, so however that, where the payment is to be made partly in instalments, the aggregate of the instalments paid shall not at any time before the completion of the works exceed one-half of the aggregate cost of the works executed up to that time". [563]

(2) In paragraph 3 of the Schedule to the principal Act, after the words "by way of loan", there shall be inserted the words "or by way of grant to be made partly in instalments". [564]

For s. 2 (4) (a) of the principal Act, see 13 Halsbury's Statutes 1164.

3. Repayments of grant to be proportionate to unexpired part of period for observance of conditions.—The sums repayable under the principal Act—

(a) by the owner of a dwelling, to the local authority, by virtue of proviso (ii) to subsection (1) of section three thereof, on any exercise of the option to repay conferred by that proviso; and

(b) by the local authority to the Minister, by virtue of subsection (4) of section four thereof, on any such exercise of option as aforesaid;

shall, if the option is exercised, after the commencement of this Act, in lieu of being ascertained by reference to the whole amount of a grant paid by the local authority, or of contributions made by the Minister, as the case may be, be ascertained by reference to a part thereof proportionate to the extent to which the relevant period of application of conditions remains unexpired at the time of the exercise of the option. [565]

4. Amendment of definition of normal agricultural rent.—In paragraph (b) of subsection (1) of section three of the principal Act (which defines the expression "normal agricultural rent" in relation to the rent payable in respect of a dwelling to which conditions apply by virtue of the principal Act), for the words "average rent for the time being paid by agricultural workers in the district", there shall be substituted the words "rent normally paid by agricultural workers in the district, or, if it appears to the local authority that the number of agricultural workers in the district is insufficient for the determination of any sum as being such rent as aforesaid, the rent normally paid by persons of substantially the same economic condition in the district", and after the words "rent normally paid by agricultural workers in the district", there shall be inserted the words "or, if it appears to the local authority that the number of agricultural workers in the district is insufficient for the determination of any sum as being such rent as aforesaid, than the rent normally paid by persons of substantially the same economic condition in the district". [566]

For s. 3 (1) (b) of the principal Act, see 13 Halsbury's Statutes 1165.

5. Additional condition as to dwellings in respect of which assistance given by way of grant.—(1) In the case of a dwelling in respect of which any payment in respect of assistance by way of grant is made under the principal Act after the commencement of this Act, the following condition shall apply in relation to the dwelling for a period of twenty years from the date on which it first becomes fit for occupation after

the completion of the works, in addition to the conditions specified in section three of the principal Act, that is to say, all reasonable steps shall be taken to secure the maintenance of the dwelling so as to be in all respects fit for habitation as a dwelling by persons of the working-classes. [567]

(2) Proviso (ii) to subsection (1) of section three of the principal Act (which relates to the cesser of conditions on repayment of grant), and paragraph (b) of subsection (5) of that section (which relates to the recovery of sums payable by reason of breach of conditions), shall have effect as if the condition aforesaid were contained in, and applicable by virtue of, the said section three. [568]

6. Amendment of condition as to maximum rent where further assistance given by way of grant.—Where assistance by way of grant has been given under the principal Act (whether before or after the commencement of this Act) in respect of a dwelling, and subsequently further assistance has been so given in respect of that dwelling, subsection (1) of section three of the principal Act shall have effect with the substitution for the condition specified in paragraph (b) thereof of the following condition, that is to say, the rent payable by the occupier in respect of the dwelling shall not exceed the amount permissible before the execution of the works in respect of which the further assistance was given, increased by a sum equal to the following percentage of the amount by which the estimated cost of those works exceeds the amount of the further assistance, that is to say, if those works were completed before the first day of January nineteen hundred and thirty-five, three per cent. or, if they were completed on or after that day, four per cent., and no fine, premium or other like sum shall be taken in addition to the rent. [569]

7. Apportionment of rent of dwelling let with other land.—Where a dwelling in respect of which assistance has been given under the principal Act (whether before or after the commencement of this Act) is let to an occupier together with other land at a single rent, such proportion of that rent as the local authority may determine shall be deemed, for the purposes of paragraph (b) of subsection (1) of section three of the principal Act, to be the rent payable by the occupier in respect of the dwelling. [570]

8. Amendment as to expenses of county councils.—In the proviso to subsection (3) of section five of the principal Act, after the words “the expenses of the council of the county under this Act” where those words first occur, there shall be inserted the words “(other than “expenses in connection with assistance given by the county council in “respect of a house or building situated in the county district)”, and after the words “on account of the expenses”, there shall be inserted the words “(other than as aforesaid)”. [571]

For s. 5 (3) of the principal Act, see 13 Halsbury's Statutes 1168.

9. Power to give increased assistance for abatement of overcrowding.—(1) Where a dwelling, in respect of which assistance by way of grant was given under the principal Act on an application received by the local authority before the second day of August nineteen hundred and thirty-five, is overcrowded within the meaning of Part IV of the Housing Act, 1936, and an application is made to the local authority

for further assistance in respect of works proposed to be executed in respect of the dwelling for the purpose of the abatement of the overcrowding, the local authority may give further assistance by way of grant in respect of the dwelling in excess of the amount which apart from this section would have been permissible, but in other respects subject to and in accordance with the provisions of the principal Act, so however that the amount of the further assistance shall not exceed two-thirds of the estimated cost of any works proposed to be executed or one hundred pounds, whichever is the less, and that the total amount of all the grants made in respect of the dwelling shall not exceed one hundred and fifty pounds :

Provided that no further assistance shall be given under this section unless the local authority are satisfied that upon the completion of the works the dwelling will cease to be overcrowded as aforesaid. [572]

(2) Any increase attributable to the exercise of the powers conferred by this section in the sum payable out of moneys provided by Parliament by virtue of section four of the principal Act shall be defrayed out of moneys so provided. [573]

10. Special provisions as to Scotland. [574]

11. Additional provisions with respect to loans by local authorities in Scotland. [575]

12. Short title, citation, construction and extent.—(1) This Act may be cited as the Housing (Rural Workers) Amendment Act, 1938.

(2) This Act shall be construed as one with the Housing (Rural Workers) Acts, 1926 and 1931, and, in its application to England, with sections thirty-seven and thirty-eight of the Housing Act, 1935, and, in its application to Scotland, with sections thirty-four and thirty-five of the Housing (Scotland) Act, 1935.

(3) The Housing (Rural Workers) Acts, 1926 and 1931, sections thirty-seven and thirty-eight of the Housing Act, 1935, and this Act may be cited together as the Housing (Rural Workers) Acts, 1926 to 1938, and the Housing (Rural Workers) Acts, 1926 and 1931, sections thirty-four and thirty-five of the Housing (Scotland) Act, 1935, and this Act may be cited together as the Housing (Rural Workers) (Scotland) Acts, 1926 to 1938.

(4) References in this Act to the principal Act shall be construed as references to that Act as amended by any subsequent enactment, including, except where the context otherwise requires, this Act.

(5) This Act shall not apply to Northern Ireland or to the administrative county of London. [576]

ORDERS, CIRCULARS AND MEMORANDA

HOUSING ACT, 1936 (OPERATION OF OVERCROWD- ING PROVISIONS) ORDER, 1938

S. R. & O., 1938, No. 216

March 16, 1938

95487

The Minister of Health, in exercise of his powers under Section 68 of the Housing Act, 1936 (hereinafter referred to as "the Act"), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. In relation to the areas which are specified in column 1 of the Schedule to this Order the appointed day for the purposes of Section 62 of the Act (which provides for entry in rent books or similar documents of a summary in the prescribed form of certain provisions of the Act relating to overcrowding) shall be the date shown in column 2 of the said Schedule and the appointed day for the purposes of Sections 59 and 64 (which contain provisions as to offences in relation to overcrowding) and Section 60 and subsection (2) of Section 6 of the Act shall be the date shown in column 3 of the said Schedule.

2. This Order may be cited as the Housing Act, 1936 (Operation of Overcrowding Provisions) Order, 1938.

SCHEDULE

1 Areas to which this Order applies	2 Appointed day	3 Appointed day
Metropolitan Boroughs of :—		
Bermondsey	1st April, 1938	1st October, 1938
Bethnal Green	1st April, 1938	1st October, 1938
Finsbury	1st October, 1938	1st April, 1939
Islington	1st April, 1938	1st October, 1938
Poplar	1st April, 1938	1st October, 1938
Shoreditch	1st April, 1938	1st October, 1938
Stepney	1st January, 1939	1st July, 1939

[577]

* * * *

HOUSING ACTS (EQUALISATION ACCOUNT) REGULATIONS, 1938

S. R. & O., 1938, No. 1231

October 3, 1938

96740

The Minister of Health in exercise of the powers conferred on him by section 176 and section 132 (1) of the Housing Act, 1936, and of

all other powers enabling him in that behalf, hereby makes the following regulations :—

1. These regulations may be cited as the Housing Acts (Equalisation Account) Regulations, 1938.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them :—

“ The Act of 1923 ” means the Housing, etc. Act, 1923 :

“ The Act of 1924 ” means the Housing (Financial Provisions) Act, 1924 :

“ The Act of 1936 ” means the Housing Act, 1936 :

“ The Act of 1938 ” means the Housing (Financial Provisions) Act, 1938 :

“ The Minister ” means the Minister of Health :

The “ Housing Revenue Account ” and the “ Housing Equalisation Account ” have the same meaning as in the Housing Act, 1936.

(2) The Interpretation Act applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The Housing Acts (Equalisation Account) Regulations, 1936 are hereby revoked, but without prejudice to anything done thereunder or to the continued operation of any direction given by the Minister under section 132 (2) of the Act of 1936.

4. Subject to the provisions of these regulations and of any directions given by the Minister under subsection (2) of section 132 of the Housing Act, 1936, every local authority who are required to keep a Housing Revenue Account shall keep a Housing Equalisation Account and shall in each financial year beginning on the 1st day of April carry to the credit of that account from the Housing Revenue Account the aggregate of the under-mentioned sums, viz. :—

(a) an amount equal to the one-seventh part of the aggregate amount of the Exchequer contributions payable to the authority for that year under :—

(i) paragraph (b) of subsection (1) of section 1 of the Act of 1923, as amended by sections 1 and 2 of the Act of 1924 ;

(ii) Sections 105, 106 and 108 of the Act of 1936 ;

(iii) Sections 1 and 2 of the Act of 1938 ;

(b) an amount equal to the one-seventh part of the aggregate amount of any contributions payable to the authority for that year from a county council under :—

(i) Section 115 of the Act of 1936 ;

(ii) Section 7 of the Act of 1938.

5. If a local authority satisfy the Minister that, having regard to arrangements made by them for repaying money borrowed for expenditure in connexion with the provision of the houses to which the Housing Revenue Account relates, or for any other reason, it is necessary or expedient that the total amount to be carried to the credit of the Housing Equalisation Account in any year under regulation 4 of these regulations should be varied, the amount to be carried to the credit of that account in that year shall be such sum as the Minister may determine to be appropriate in all the circumstances.

6. If a local authority satisfy the Minister that it is necessary or expedient that an amount should be carried in any year from the Housing Revenue Account in respect of contributions payable under paragraph (b) of subsection (1) of section 1 of the Act of 1923 or under section 107 of the Act of 1936 to the credit of the Housing Equalisation Account the amount to be carried to the credit of that account in that year in respect of the said contributions shall be such sum as the Minister may determine to be appropriate.

7. Such sums as the local authority may, with the approval of the Minister, think it necessary or desirable to transfer to the Housing Revenue Account with a view to carrying out the objects of section 132 of the Act of 1936 shall from time to time be transferred from the Housing Equalisation Account accordingly but, subject to the foregoing provision, an amount equal to all moneys standing to the credit of the Housing Equalisation Account shall be applied in manner provided by section 133 of the Act of 1936. [578]

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HOUSING (FINANCIAL PROVISIONS) ACT, 1938

CIRCULAR, 1704

May 13, 1938

SIR,

HOUSING (FINANCIAL PROVISIONS) ACT, 1938

I am directed by the Minister of Health to enclose for the information of the County Council two copies of circulars and a memorandum which he has addressed to the local authorities whose housing operations will be affected by the provisions of the above-mentioned Act.

The principal effect of the Act is to prescribe the Exchequer and rate contributions payable for the different purposes of the Housing Acts of 1930 and 1935 in respect of houses completed between the beginning of the year 1939 and the 30th September, 1942, and it makes no alterations in the general housing law as affecting either county councils or other local authorities. It will be observed, however, that the Act establishes special rates of Exchequer subsidy for houses built for the agricultural population, not only for the purposes of slum clearance and the abatement of overcrowding, but also for general needs. It will also be observed that by Section 7 certain liabilities in extension of those imposed by previous Acts are laid upon county councils to contribute towards the provision of houses by local authorities.

In so far, however, as such extensions are concerned, the Act provides by Section 1 (3) and (4) and the proviso to Section 2 (1) that the Minister must consult with the County Council before assenting to applications by local authorities the effect of which would be to involve the County Council in liability. In this connection I am to refer to what is said in paragraphs 7 and 10 of the memorandum.

Until any such applications are made the Act requires no special action on the part of county councils, but the Minister is confident

that he can rely on their co-operation in securing that proper advantage is taken by the authorities of county districts of the facilities afforded by the Act.

I am, Sir,

[579]

* * * *

CASES

Clearance Area—Compulsory Purchase Order—Whether Local Authority Entitled to Proceed by Compulsory Purchase Rather than by Demolition—Housing Act, 1936 (c. 51), ss. 25, 29 (1), Sched. I.

Applicants were the owners of a site which admittedly could properly be declared to be a clearance area. They had for some time been in communication with the local authority upon the question of the demolition of the property and the redevelopment of the site. The local authority without further notice to applicants declared the area to be a clearance area, and on the same day made a compulsory purchase order in respect of the property, which order was confirmed by the Minister, after an inquiry had been held :—

Held : (1) any injury to applicants was caused solely by the act of compulsory purchase, and this was an act which the local authority were specifically authorised by the statute to perform ;

(ii) when the Minister confirmed the order, there were no objections before him which could properly have been taken under the statute. There was, therefore, no *lis* between the parties, and the Minister acted, and was entitled to act, ministerially, and not *quasi*-judicially ;

(iii) it is a matter for the discretion of a local authority whether they choose to proceed by means of a clearance order or by means of a demolition order.

Decision of DU PARCQ, J. ([1938] 2 All E. R. 146), affirmed.—RE BRIGHTON (EVERTON PLACE AREA) HOUSING ORDER, 1937, E. ROBINS & SON, LTD.'s APPLICATION, [1938] 4 All E. R. 446 ; 55 T. L. R. 134 ; 82 Sol. Jo. 988, C. A. [580]

Clearance Order—"Other Buildings"—Inclusion in Order of Garages and Workshops—Housing Act, 1936 (c. 51), Sched. III., para. 2.

W. Mews was a *cul de sac* upon the three sides of which there were buildings of two storeys, on the ground floor being garages and workshops and on the upper floor being dwellings. The vertical division between the upper storeys and the lower storeys was not the same in all cases, there were separate entrances in every case, and each floor was separately occupied. There was no finding of fact that each such composite structure was a house. The local authority made a clearance order in respect of both the dwellings on the first floor and the garages and workshops beneath. A mortgagee of the property contended that there was no power to make an order in respect of the garages and workshops :—

Held : the order was rightly made, and the garages and workshops were properly included in the order. They were "other buildings" within the meaning of those words in the Housing Act, 1936, Sched. III., para. 2, and, having regard to the proviso to that paragraph, were

rightly included in the order.—*RE CAMBERWELL (WINGFIELD MEWS) NO. 2 CLEARANCE ORDER, 1936, BUTLER'S APPLICATION, [1938] 2 K. B. 210; [1938] 2 All E. R. 279; 107 L. J. K. B. 419; 102 J. P. 243; 54 T. L. R. 655; 82 Sol. Jo. 317; sub nom. Butler v. Minister of Health, 159 L. T. 47; 36 L. G. R. 335.*

Decision of DU PARCQ, J., affirmed, though on grounds that whole premises were a "house":—*[1939] 1 K. B. 570; [1939] 1 All E. R. 590; 108 L. J. K. B. 487; 103 J. P. 143; 55 T. L. R. 429; 83 Sol. Jo. 256; W. N. 71, C. A.; sub nom. Butler v. Minister of Health, 160 L. T. 255; 37 L. G. R. 315. [581]*

Housing—Demolition Order—House Suitable for Occupation by Persons of the Working Classes—Whether "house" Can Include Ten Acres of Grassland—Housing Act, 1936 (c. 51), s. 188.

A local authority made a demolition order in respect of a house, which was usually let together with cow-stalls, farm-buildings, and about 10 acres of grassland. The county court judge, in considering whether the house was one suitable for occupation by persons of the working classes, held that he was entitled to treat the 10 acres as appurtenant to the house:—

Held: the word "appurtenances" in the definition of "house" contained in the Housing Act, 1936, s. 188, must be given its natural meaning, and cannot be extended to cover land outside the curtilage of the house.—*TRIM v. STURMINSTER RURAL DISTRICT COUNCIL, [1938] 2 K. B. 508; [1938] 2 All E. R. 168; 107 L. J. K. B. 687; 159 L. T. 7; 102 J. P. 249; 54 T. L. R. 597; 82 Sol. Jo. 313; 36 L. G. R. 319, C. A.*

See also as to "park, garden, or pleasure ground, etc.," *Re Ripon (Highfield) Housing Order, 1938, Applications of White and Collins, [1939] 3 All E. R. 548. [582]*

HOUSING SUBSIDIES

See HOUSING.

HYDRANTS

See FIRE PROTECTION.

ICE CREAM

See FOOD AND DRUGS.

IMPORTED FOOD

See FOOD AND DRUGS.

INFANTS, CHILDREN AND YOUNG PERSONS

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STATUTES

THE YOUNG PERSONS (EMPLOYMENT) ACT, 1938

(1 & 2 Geo. 6, c. 69.)

An Act to regulate the hours of employment of persons under the age of eighteen years employed in certain occupations ; to amend the Shops Act, 1934, with respect to the regulation of the hours of employment of persons under the age of sixteen years, and with respect to the determination of the number of working hours of persons under the age of eighteen years ; and for purposes connected with the matters aforesaid.
 [583] [29th July, 1938.]

PART I.

EMPLOYMENT OF PERSONS UNDER THE AGE OF EIGHTEEN YEARS.

Hours and Holidays.

1. Conditions of employment.—(1) The total number of hours worked by a young person to whom this Part of this Act applies, exclusive of intervals allowed for meals and rest, shall,—

- (a) in the case of a person who has attained the age of sixteen years, not exceed forty-eight in any week ;
- (b) in the case of a person who has not attained the age of sixteen years, not exceed, during one year from the commencement of this Act, forty-eight in any week, and thereafter, forty-four in any week :

Provided that a person who has attained the age of sixteen years may, on occasions of seasonal or other special pressure or in cases of emergency, work overtime, that is to say, in excess of the permitted weekly hours, so, however, that the number of hours overtime that may be worked by that person shall not exceed six in any week or fifty in any year, and where in any year, in connection with a business carried on at any premises, overtime employment of any young persons to whom

this Part of this Act applies under an employer has taken place in twelve weeks (whether consecutive or not), no further overtime employment of any such persons under that employer or under any person succeeding to his business shall, during the remainder of that year, take place in connection with the business carried on at those premises. [584]

As to young persons to whom this Part of this Act applies, see s. 7, *post*.
This Act commenced on January 1, 1939; see s. 14 (3), *post*.

(2) A young person to whom this Part of this Act applies shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal or rest, and where the hours of employment include the hours from half-past eleven in the morning to half-past two in the afternoon, an interval of not less than three-quarters of an hour shall be allowed between those hours for dinner. [585]

(3) On at least one weekday in each week, to be notified in the prescribed form and manner, a young person to whom this Part of this Act applies shall not be employed after one o'clock in the afternoon. [586]

(4) A young person to whom this Part of this Act applies shall, in every period of twenty-four hours between midday on one day and midday on the next day, be allowed an interval of at least eleven consecutive hours which shall include the hours from ten o'clock in the evening until six o'clock in the morning. [587]

(5) A young person to whom this Part of this Act applies shall not be employed on a Sunday unless he receives in respect of his employment on that Sunday a whole holiday on a weekday either in the week beginning with that Sunday or in the previous week, being a weekday other than that on which under subsection (3) of this section he is not to be employed after one o'clock in the afternoon. [588]

(6) The Secretary of State may by regulations prescribe further conditions for the purpose of safeguarding the welfare and interests of young persons to whom this Part of this Act applies or any class of them, including, if he thinks fit, conditions with respect to the daily period of employment of those persons, and no such person shall be employed otherwise than in accordance with those conditions. [589]

(7) The Secretary of State may by regulations increase, as respects any class or description of business, the number of hours overtime that may be worked in any week by a young person to whom this Part of this Act applies, or the number of weeks in any year in which overtime employment can take place in connection with a business carried on at any premises under an employer or any person succeeding to his business, if he is satisfied that owing to the exigencies of businesses of that class or description the increase is necessary. [590]

(8) In the case of any contravention of, or failure to comply with, the foregoing provisions of this section, the employer shall be liable on summary conviction to a fine not exceeding ten pounds. [591]

(9) Any regulations made under this section may contain such supplemental and consequential provisions as the Secretary of State considers requisite for giving full effect to the regulations, and shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulations have been laid before it resolves that the regulations shall be annulled, the

regulations shall forthwith be void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations. [592]

2. Records and notices.—(1) The employer of any young persons to whom this Part of this Act applies shall, in the prescribed form and in the prescribed manner, keep a record of the prescribed particulars as to those persons, including particulars of the hours worked by them, and of the intervals allowed for rest and meals to them; and particulars of all employment overtime shall be separately entered on the record. [593]

As to young persons to whom this Part of this Act applies, see s. 7, *post*.

(2) The employer of any young persons to whom this Part of this Act applies shall, in the prescribed form and in the prescribed manner, keep exhibited on the premises a notice setting forth the number of hours in the week during which those persons may, in accordance with the provisions of this Part of this Act, be employed, and such other particulars as may be prescribed. [594]

(3) In the case of any contravention of, or failure to comply with, the foregoing provisions of this section, the employer shall be liable on summary conviction to a fine not exceeding five pounds for every day on which the contravention or failure to comply occurs or continues. [595]

(4) If any person with intent to deceive makes, or causes or allows to be made, in any such record or notice as aforesaid an entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from any such record or notice an entry required to be made therein, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine. [596]

Supplementary.

3. Enforcement.—(1) It shall be the duty of the local authority to enforce within its area the provisions of this Part of this Act, and for that purpose to institute and carry on such proceedings in respect of contraventions of, or failures to comply with, those provisions as may be necessary to secure the observance thereof, and to appoint inspectors; and an inspector so appointed shall for the purposes of his powers and duties have in relation to any premises in connection with a business carried on at which young persons to whom this Part of this Act applies are employed all the powers conferred on inspectors in relation to factories by section one hundred and twenty-three of the Factories Act, 1937, and that section and section one hundred and twenty-five of that Act shall have effect accordingly; and an inspector may, if so authorised by the local authority, institute and carry on any proceedings on behalf of the local authority:

Provided that, for the purpose of the enforcement of the provisions of this Part of this Act in their application to young persons employed as mentioned in the two following subsections, the provisions of those subsections respectively shall have effect to the exclusion of the provisions of this subsection. [597]

As to young persons to whom this Part of this Act applies, see s. 7, *post*.

For the Factories Act, 1937, ss. 123, 125, see 30 Halsbury's Statutes 284, 285.

(2) An inspector appointed under the Factories Act, 1937, shall have the same powers and duties for the purpose of the enforcement of the provisions of this Part of this Act in their application to young persons employed by a railway company elsewhere than at a residential hotel, or employed in the employment mentioned in paragraph (d) or (h) of subsection (1) of section seven of this Act, as he would have if those provisions were provisions of that Act, and as if the premises in connection with the business carried on at which those persons are employed were a factory. [598]

For the Factories Act, 1937, see 30 Halsbury's Statutes 201.

(3) Inspectors appointed under the Coal Mines Act, 1911, and the Metalliferous Mines Regulation Act, 1872, respectively, shall have the same powers and duties for the purpose of the enforcement of the provisions of this Part of this Act in their application to young persons employed in or in connection with a coal mine, or metalliferous mine or quarry, as the case may be, as they would have if those provisions were provisions of those Acts respectively. [599]

For the Coal Mines Act, 1911, and the Metalliferous Mines Regulation Act, 1872, see 12 Halsbury's Statutes 82, 19 respectively.

4. Provisions as to offences.—Sections one hundred and thirty-six, one hundred and thirty-seven, one hundred and forty except subsections (3), (4) and (6) thereof, one hundred and forty-one and subsection (2) of section one hundred and forty-two of the Factories Act, 1937 (which relate to offences against and proceedings under that Act), and section one hundred and forty-four of that Act (which relates to the service and sending of documents), shall apply with respect to the provisions of this Part of this Act as they apply with respect to the provisions of that Act, and accordingly in the application of the said sections with respect to the provisions of this Part of this Act, references therein to factories shall be deemed to include references to premises in connection with a business carried on at which young persons to whom this Part of this Act applies are employed, and references to the occupier or owner of a factory shall be deemed to include references to the employer of those persons. [600]

For the Factories Act, 1937, ss. 136, 137, 140, 141, 142 (2), 144, see 30 Halsbury's Statutes 291—293.

As to young persons to whom this Part of this Act applies, see s. 7, *infra*.

5. Provisions as to birth certificates.—Where the age of any person is required to be ascertained or proved for the purposes of this Part of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Registrar-General and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1929, of the birth of that person; and such a form of requisition shall on request be supplied without charge by every registrar or superintendent registrar of births, deaths and marriages. [601]

For the Births and Deaths Registration Acts, 1836—1929, see 15 Halsbury's Statutes 700 *et seq.*

6. Provisions as to local authorities.—(1) The local authority for the purposes of this Part of this Act shall be—

(a) as respects the City of London, the Common Council;

(b) as respects any municipal borough, the council of the borough;

(c) as respects any urban district with a population according to the last published census of twenty thousand or more, the district council ;

(d) elsewhere, the council of the county. [602]

(2) The expenses under this Part of this Act of the Common Council of the City of London shall be defrayed out of the general rate. [603]

(3) The expenses under this Part of this Act of the council of a county shall be defrayed as expenses for special county purposes. [604]

7. Young persons to whom Act applies.—(1) Except as provided by subsection (3) of this section, this Part of this Act shall apply to a young person employed by an employer in any of the following employments, where his employment by that employer is wholly or mainly in that employment or in two or more of those employments taken together, that is to say :—

(a) employment in the collection or delivery of goods, or in any carrying, loading or unloading of goods incidental to the collection or delivery thereof ;

(b) employment in connection with a business carried on at any premises in carrying messages or running errands, being employment wholly or mainly outside the premises ;

(c) employment at a residential hotel or club in carrying messages or running errands, or in connection with the reception of guests or members thereat ;

(d) employment in connection with the business carried on at any premises where a newspaper is published, in carrying messages or running errands ;

(e) employment at a place of public entertainment or amusement, or at a public swimming bath, bathing place or turkish bath, in carrying messages or running errands, or in the reception of or attendance upon persons resorting thereto ;

(f) employment elsewhere than in a private dwelling-house, in the operation of a hoist or lift connected with mechanical power ;

(g) employment in, or in connection with, the operation of cinematograph apparatus ;

(h) employment at any premises occupied for the purposes of the business of a laundry, dyeing or cleaning works or other factory, in receiving or despatching goods. [605]

(2) Except as provided by the next following subsection, this Part of this Act shall apply to a young person employed by an employer in any of the employments mentioned in the foregoing subsection, and, at a residential hotel or in or about a theatre, in connection with a retail trade or business carried on therein, where his employment by that employer is wholly or mainly in those employments taken together. [606]

(3) Nothing in this Part of this Act shall apply—

(a) with respect to the employment of a young person whose hours of employment are regulated by or under the Factories Act, 1937, the Coal Mines Act, 1911, and the Acts amending that Act, the Metalliferous Mines Regulation Acts, 1872 and 1875, or (except in the case of a young

person to whom this Part of this Act applies by virtue of an election made under subsection (1) of the next following section) the Shops Acts ;

- (b) with respect to the employment of any young person in or in connection with agriculture or in a ship. [607]

For the Factories Act, 1937, see 30 Halsbury's Statutes 201 ; for the Coal Mines Act, 1911, see 12 Halsbury's Statutes 82 ; for the Metalliferous Mines Regulation Acts, 1872 and 1875, see 12 Halsbury's Statutes 19, 39 ; and for the Shops Acts, see the Shops Acts, 1912, 1913, 1928, 1934, and 1936 (8 Halsbury's Statutes 613, 628, 647 ; 27 Halsbury's Statutes 226 ; and 29 Halsbury's Statutes 149, 152).

8. Option to apply either this Act or the Shops Acts in certain cases.—

- (1) An employer who employs young persons at, or in connection with the business carried on at, a residential hotel, a place of public entertainment or amusement, or a public swimming bath, bathing place or turkish bath, being young persons to whom apart from this section the provisions of this Part of this Act would apply or the provisions of the Shops Acts would apply, may give notice that he elects that the provisions of this Part of this Act shall apply to all such young persons as aforesaid for the time being so employed by him as aforesaid or may give notice that he elects that the provisions of the Shops Acts shall apply to all of them. [608]

The Shops Acts are the Shops Acts, 1912, 1913, 1928, 1934, and 1936 ; see 8 Halsbury's Statutes 613, 628, 647 ; 27 Halsbury's Statutes 226 ; and 29 Halsbury's Statutes 149, 152. As to young persons to whom this Part of this Act would apply, see s. 7, *ante*. As to young persons to whom the Shops Acts would apply, see the Shops Act, 1934 (27 Halsbury's Statutes 226). See, also, the note to s. 1 (1) of that Act (*ibid*).

- (2) When a notice given under the foregoing subsection has taken effect, then, until another notice withdrawing that notice takes effect, the provisions of this Part of this Act or of the Shops Acts, as the case may be, shall apply to all the young persons aforesaid, and, in the case of young persons to whom apart from this section those provisions would not have applied, shall apply to them subject to the prescribed adaptations and to the exclusion of the provisions of the Shops Acts or of this Part of this Act, as the case may be :

Provided that, where the provisions that are to apply are the provisions of the Shops Acts,—

- (a) those provisions shall have effect with the substitution in subsection (5) of section nine of the Shops Act, 1934, and in section one of the Shops Act, 1912, for references to half-past one o'clock of references to one o'clock ; and
- (b) section five of the Shops Act, 1934, shall have effect only in the case of young persons employed at, or in connection with the business carried on at, a residential hotel, and in the case of those persons shall have effect notwithstanding anything in subsection (6) of that section (which enacts that the provisions of the Shops Act, 1934, shall not apply to any person employed in a residential hotel who is not such a shop assistant as is therein mentioned). [609]

As to " the Shops Acts," see note to sub-s. (1), *supra*. For the Shops Act, 1934, ss. 5, 9 (5), see 27 Halsbury's Statutes 229, 234 ; and for the Shops Act, 1912, s. 1, see 8 Halsbury's Statutes 613.

- (3) A notice to be given under subsection (1) of this section, and a notice withdrawing such a notice, shall be given to the local authority in such form, in such manner and subject to such conditions as may be

prescribed, and any such notice shall have effect as from such date after it is given as may be prescribed. [610]

9. Interpretation of Part I.—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“agriculture” has the same meaning as in the Agricultural Wages (Regulation) Act, 1924 ;

“premises” means premises occupied by the employer of a young person to whom this Act applies for the purposes of the business in connection with which that person is employed, and includes the site of any building operation or work of engineering construction, and “building operation”, “work of engineering construction” and “factory” have the same meaning as in the Factories Act, 1937 ;

“prescribed” means prescribed by order of the Secretary of State ;

“residential hotel”, “retail trade or business”, “theatre”, “week” and “year” have the same meaning as in the Shops Act, 1934 ;

“ship” means a ship or boat registered in the United Kingdom as a British ship, or a British fishing-boat entered in the fishing-boat register ;

“young person” does not include a child whose employment is regulated by section eighteen of the Children and Young Persons Act, 1933, but save as aforesaid means a person who has not attained the age of eighteen years. [611]

For the meaning of “agriculture” in the Agricultural Wages (Regulation) Act, 1924, see s. 16 of that Act (1 Halsbury's Statutes 134).

For the meanings of “building operation,” “work of engineering construction,” and “factory” in the Factories Act, 1937, see ss. 151, 152 of that Act (30 Halsbury's Statutes 295—299).

For the meanings of “residential hotel,” “theatre,” and “year” in the Shops Act, 1934, see s. 15 of that Act (27 Halsbury's Statutes 238) ; and for the meanings of “retail trade or business” and “week,” see the Shops Act, 1912, s. 19 (8 Halsbury's Statutes 624).

For the registration of British ships, see 30 Halsbury (2nd Edn.) 177—184 ; the fishing-boat register 15 Halsbury (2nd Edn.) 113, 114.

For the Children and Young Persons Act, 1933, s. 18, see 26 Halsbury's Statutes 181.

(2) Where a young person who is employed as mentioned in subsection (1) or (2) of section seven of this Act is also employed by the same employer in any other employment (not being employment mentioned in subsection (3) of that section), any reference in section one or two of this Act to employment or to hours worked shall, in relation to that young person, include a reference to that other employment and to hours worked therein. [612]

(3) For the purposes of this Part of this Act, the carrying on of a club shall be deemed to be a business notwithstanding that the club is not carried on for the purpose of profit. [613]

(4) For the purposes of this Part of this Act, a young person shall be deemed to be employed by the person for whom he works, notwithstanding that he receives no wages for his work. [614]

(5) For the purposes of this Part of this Act, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour. [615]

(6) Where a young person to whom this Part of this Act applies, who in any week is employed in connection with a business carried on at any premises and in that week is employed by the same employer in

connection with a business carried on at other premises, works overtime, the overtime employment of that person shall be deemed to have taken place at the premises in connection with the business carried on at which he was mainly employed. [616]

(7) References in this Part of this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment including this Act. [617]

(8) An order under this Part of this Act may be varied or revoked by a subsequent order. [618]

10. Application of Part I to Scotland. [619]

[For Part II of this Act (ss. 11-13), see title SHOPS, *post*, p. 378.]

14. Short title, interpretation, citation, commencement and extent.—

(1) This Act may be cited as the Young Persons (Employment) Act, 1938.

(2) In this Act, the expression “the Shops Acts” means the Shops Acts, 1912 to 1936, and those Acts and Part II of this Act may be cited together as the Shops Acts, 1912 to 1938.

(3) This Act shall come into operation on the first day of January nineteen hundred and thirty-nine.

(4) This Act shall not extend to Northern Ireland. [620]

As to “the Shops Acts,” see note to s. 8 (1), *ante*.

ORDERS, CIRCULARS AND MEMORANDA

CHILDREN AND YOUNG PERSONS (CONTRIBUTIONS BY LOCAL AUTHORITIES) REGULATIONS, 1938

S. R. & O., 1938, No. 5

January 1, 1938

1. In pursuance of the powers conferred upon me by section 90 of the Children and Young Persons Act, 1938, I, the Right Honourable Sir Samuel Hoare, Baronet, one of His Majesty's Principal Secretaries of State, hereby prescribe contributions at the rate of fifteen shillings a week as the contributions to be made by the local authority named in an approved school order to the expenses of the managers of an approved school throughout the time during which the person to whom the order relates is under the care of the said managers and not out on licence or under supervision.

2. These Regulations shall not apply to a local authority named in an approved school order where the managers having under their care the person to whom the order relates are the local authority, whether as local education authority for elementary education or otherwise, or are a joint committee upon which the local authority, whether as local education authority for elementary education or otherwise, are represented.

3. The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

4.—(1) These Regulations may be cited as the Children and Young Persons (Contributions by Local Authorities) Regulations, 1938.

(ii) These Regulations shall come into force on the 1st April, 1938.

(iii) The Children and Young Persons (Contributions by Local Authorities) Regulations, 1933, are hereby revoked. [621]

* * * *

JUVENILE COURTS (ASSIGNMENT) RULES, 1938

S. R. & O., 1938, No. $\frac{230}{L. 4}$

March 12, 1938

1. These Rules may be cited as the Juvenile Courts (Assignment) Rules, 1938.

2. These Rules shall come into operation on the first day of May, 1938.

3. The hearing of any complaint under section forty-four or section forty-five of the Education Act, 1921 (which sections relate to the make of school attendance orders and to the proceedings to be taken where such orders are disobeyed), or under section fifty-four of that Act (which section relates to the making of orders requiring defective or epileptic children to be sent to suitable classes or schools) is hereby assigned to a juvenile court :

Provided that any complaint made before the first day of May, 1938, may be heard as if these Rules had not been made.

4. The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament. [622]

* * * *

JUVENILE COURTS (METROPOLITAN POLICE COURT AREA) ORDER, 1938

S. R. & O., 1938, No. $\frac{614}{L. 13}$

June 23, 1938

At the Court at Buckingham Palace, the 23rd day of June, 1938.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by the Children and Young Persons Act, 1933 (hereinafter called "the Act"), it is, amongst other things, enacted that His Majesty may by Order in Council specify as respects the metropolitan police

court area the places (which notwithstanding anything in the Metropolitan Police Courts Acts, 1839 and 1840, may be places other than police courts) in which juvenile courts are to sit, and assign as a division to each such place such portion of that area as may be specified in the Order, and direct the manner in which for the purposes of the constitution of a juvenile court in that area two justices of the peace for the county of London shall be selected from a panel of such justices nominated from time to time by the Secretary of State :

And whereas by the Act it is further enacted that any such Order in Council may contain such supplemental, incidental and consequential provisions as appear to His Majesty in Council to be necessary or proper for the purposes of the Order and may be revoked or varied by a subsequent Order :

And whereas in pursuance of the Act His late Majesty King George the Fifth in Council was pleased to make Orders on the fifth day of October, 1934, and on the fifteenth day of July, 1935, and His former Majesty King Edward the Eighth in Council was pleased to make Orders on the third day of March, 1936, and the twenty-fourth day of March, 1936 :

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. Juvenile courts for the metropolitan police court area shall sit in the places specified in the first column of the Schedule hereto and the division assigned to each place shall be that portion of the said area which is specified in the second column of the Schedule :

Provided that a juvenile court may sit at any time in case of emergency in a magistrate's room at Bow Street Police Court for the purpose of hearing cases arising in any part of the metropolitan police court area.

2. Juvenile courts sitting at the places specified in the first column of the Schedule hereto shall be held on the days and at the hours specified in the third column of the Schedule or on such other days and at such other hours as may from time to time be approved by the Secretary of State ;

Provided that—

- (i) a juvenile court which would in pursuance of the foregoing provision be held on a day when the metropolitan police courts are closed may be held on the preceding day ; and
- (ii) a juvenile court may hold additional sittings at such times as may be necessary for the business of the court.

3. The justices of the peace for the county of London who are to sit at the several sittings of the juvenile courts shall be selected by the panel of justices nominated by the Secretary of State and by the metropolitan police magistrates nominated by the Secretary of State to act as Chairman of juvenile courts within the metropolitan police court area.

4.—(1) This Order may be cited as the Juvenile Courts (Metropolitan Police Court Area) Order, 1938, and shall come into force on the first day of July, 1938.

(2) The Orders in Council made in pursuance of the Act on the fifth day of October, 1934, the fifteenth day of July, 1935, the third day of March, 1936, and twenty-fourth day of March, 1936, are hereby revoked.

SCHEDULE

Place.	Divisions.	Days and Hours.
Toynbee Hall, 28, Commercial Street, E.1.	The divisions for the time being assigned to the Old Street and Thames Police Courts.	Tuesday, 10 a.m.
Woolwich Town Hall, S.E.18.	The division for the time being assigned to the Woolwich Police Court.	Tuesday, 10 a.m.
Caxton Hall, Westminster, S.W.1.	The divisions for the time being assigned to the Bow Street, Marlborough Street and Westminster Police Courts.	Wednesday, 10 a.m.
Stamford House, 206A, Goldhawk Road, Shepherd's Bush, W.12.	The divisions for the time being assigned to the West London and Marylebone Police Courts.	Thursday, 10 a.m.
Islington Town Hall, Upper Street, Islington, N.1.	The divisions for the time being assigned to the Clerkenwell and North London Police Courts.	Thursday, 10 a.m.
Southwark Juvenile Court, 95, New Church Road, S.E.5.	The divisions for the time being assigned to the Tower Bridge and Greenwich Police Courts.	Friday, 10 a.m.
Springfield Hall, 200, Wandsworth Road, S.W.8.	The divisions for the time being assigned to the Lambeth and South-Western Police Courts.	Friday, 10 a.m.

[623]

SUMMARY JURISDICTION (CHILDREN AND YOUNG PERSONS) RULES, 1938

S. R. & O., 1938, No. $\frac{1201}{L. 21}$

September 22, 1938

1. These Rules may be cited as the Summary Jurisdiction (Children and Young Persons) Rules, 1938.
2. These Rules shall come into operation on the twentieth day of October, 1938.
3. In Rule 14 of the Summary Jurisdiction (Children and Young Persons) Rules, 1933, after the words "or section 66" there shall be inserted the words "or section 84 (6), (7) or (8)".
4. In Rule 15 of the said Rules after the words "and 63" there shall be inserted the words "or section 66 or section 84 (6), (7) or (8)", and after the words "section 34 of the Act" there shall be inserted the words "unless he is himself the parent or guardian".
5. The following Rule shall be inserted after Rule 20 of the said Rules :—

20A. Where a child who is brought before the court appears to the court to be under the age of five years, the court may direct that the child need not attend at any adjourned hearing of the application unless or until required by the court so to do.

6. In Rule 24 of the said Rules—

- (a) after the words “ section 66 (1) of the Act ” there shall be inserted the words “ or upon an application under section 84 (6), (7) or (8) of the Act ” ;
- (b) after the words “ sections 61, 62 and 63 of the Act ” there shall be inserted the words “ except in a case in which the parent or guardian is the applicant ” ; and
- (c) for the words “ the said section ” there shall be substituted the words “ either of the said sections ”.

7. The following Rule shall be substituted for Rule 25 of the said Rules :—

25. Such part of the register required by section 22 of the Summary Jurisdiction Act, 1879, to be kept by the clerk of the court as relates to the proceedings of the juvenile court shall be kept in a separate book, and may, so far as form number 47 in the Schedule hereto is applicable, be kept in that form so however that in the case of complaints under section 44, 45 or 54 of the Education Act, 1921, the name of the parent or guardian shall be entered in column 3 in addition to the name of the child.

8. In Rule 26 of the said Rules for the words “ section 64 of the Act ” there shall be substituted the words “ section 64 or 84 (6) or (7) of the Act or section 45 of the Education Act, 1921 ”.

9.—(1) Where in proceedings under section 45 of the Education Act, 1921, the court is satisfied that a school attendance order has not been complied with without reasonable excuse and that a *prima facie* case exists for an order to be made with respect to the child or young person to whom the proceedings relate—

- (i) the court shall inform the child or young person (if present) of the nature of the proceedings and tell him that he may give evidence or make a statement and call witnesses ;
- (ii) the court shall obtain such information as to the general conduct, home surroundings, school record and medical history of the child or young person as may enable it to deal with the case in his best interests, and shall, if such information is not fully available, consider the desirability of adjourning the case for such inquiry as may be necessary or of making an interim order under section 3 (2) of the Children and Young Persons Act, 1938 ;
- (iii) the court shall take into consideration any report which may be furnished by a probation officer or local authority ;
- (iv) any written report of a probation officer, local authority or registered medical practitioner may be received and considered by the court without being read aloud :

Provided that—

- (a) the child or young person (if present) shall be told the substance of any part of the report bearing on his character or conduct which the court considers to be material to the manner in which he should be dealt with ;
- (b) the parent (if present) shall be told the substance of any part of the report which the court considers to

be material as aforesaid and which has reference to his character or conduct, or the character, conduct, home surroundings or health of the child or young person ;

- (c) if the child or young person or his parent, having been told the substance of any part of such report, desires to produce evidence with reference thereto, the court, if it thinks the evidence material, shall adjourn the proceedings for the production of further evidence and shall, if necessary, require the attendance at the adjourned hearing of the person who made the report ; and

- (v) before making an order with respect to the child or young person the court shall, unless it thinks it undesirable to do so, inform his parent (if present) of the manner in which it proposes to deal with the child or young person and allow his parent to make representations.

(2) In this Rule the expression " parent " in relation to a child or young person includes guardian and every person who is liable to maintain or has the actual custody of the child or young person.

10. The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

11.—(1) Forms number 36, 37 and 39 in the Schedule hereto shall be substituted for forms number 36, 37 and 39 in the Schedule to the Summary Jurisdiction (Children and Young Persons) Rules, 1933, respectively.

(2) Forms number 5A, 9A and 9B, 30A, 38A and 38B, 39A and 45A in the Schedule hereto shall be inserted after forms number 5, 9, 30, 38, 39 and 45 in the Schedule to the said Rules respectively.

* * * * *

SCHEDULE OF FORMS

- 5A Authority to bring child before court : Education cases.
- 9A Interim Order to place of safety : Child under five.
- 9B Further Interim Order to place of safety.
- 30A Fit person : committal to : application by parent or guardian : refractory child or young person.
- 36 Supervision Order : care or protection.
- 37 Supervision Order : application by parent or guardian.
- 38A Supervision Order : after fit person order.
- 38B Supervision Order : Education cases.
- 39 Supervision Order : notice to child or young person.
- 39A Order varying or revoking supervision order.
- 45A Notice to Secretary of State of supervision order requiring residence in institution.

5A

Authority to bring child before Court : Education cases

In the [County] of _____ . [Petty Sessional
Division of _____.]

Before the Juvenile Court sitting at the

To C.D., of

Complaint has been made on the

19

by

an officer of the

appointed in pursuance of the provisions of the Education Act, 1921, and
duly directed in that behalf, that on the _____ day of

19 _____, a school attendance order was duly
made in pursuance of the said Statute by the said Juvenile Court, by which
order a certain child named A.B. was ordered to attend the

School at

every time that the School was open [or]

*

And that on the _____ day of _____ 19 _____,
and on divers other days within the six months before the date of the said
complaint the said school attendance order was not complied with without
any reasonable excuse within the meaning of the said Statute.

By virtue of the provisions of section 3 (3) of the Children and Young
Persons Act, 1938, you are hereby authorised to bring the said child before
the said Juvenile Court on

Dated this

day of

19 _____.

(L.S.)

Justice of the Peace for the [County] aforesaid.

* State here the other regular manner of attendance (if any).

9A

Interim order to place of safety : Child under five

In the [County] of _____ . [Petty Sessional
Division of _____.]

To each and all of the constables of
and to the occupier of
being a place of safety.

A.B., a child who appears to the Court to be under the age of six years
having been before the Juvenile Court sitting at
on the ground that (*state the matter of complaint in the terms of the appropriate
section*).

The hearing of the case being adjourned until the

day of

19 _____.

And the said Court having directed that the said child shall not attend at
adjourned hearings unless or until required by the Court so to do.

* [You, the said Constables, are commanded to convey the said child to
the said place of safety, and there to deliver him/her to the occupier thereof,
together with this order ; and] you, the occupier of the said place of safety
are commanded to detain the said child until you shall receive a further
order from the said Court, such detention not to exceed twenty-eight days
from the date hereof, unless otherwise ordered.

Dated this

day of

19 _____.

(L.S.)

Justice of the Peace for the [County] aforesaid.

* Delete when further interim order is made in absence of child.

9B

Further interim order to place of safety

In the [County] of _____ . [Petty Sessional
Division of _____ .]

To each and all of the constables of
and to the occupier of
being a place of safety.

A.B., a child [or young person under the age of seventeen years] being
detained by you, the said occupier of the said place of safety, under an
interim order made by the Juvenile Court sitting at _____ .

And the said Court is now satisfied that by reason of illness or accident
the said child [or young person] is unable to appear personally before the
Court.

And the hearing of the case being adjourned.

You, the said occupier of the said place of safety are therefore commanded
to keep him/her until the _____ day of
19 _____, and on that day you, the said constables are required to convey him/her
before the said Juvenile Court sitting at _____
at the hour of _____ in the _____ noon to be further dealt with according
to law, unless you shall be otherwise ordered in the meantime.

Dated this _____ day of _____ 19 _____ .

(L.S.)

Justice of the Peace for the [County] aforesaid.

30A

*Fit person : committal to : application by parent or guardian : refractory child
or young person*

In the [County] of _____ . [Petty Sessional
Division of _____ .]

Before the Juvenile Court sitting at _____

A.B., the parent [or guardian] of C.D., of _____ who
appears to the Court to be a child [or young person under the age of
seventeen years] having been born, so far as has been ascertained, on
the _____ day of _____ 19 _____, having proved to
the Court that he/she is unable to control the said child [or young person].

And the Court being satisfied that it is expedient to deal with the said
child [or young person] by making an order committing the child [or young
person] to the care of a fit person, and that the parent [or guardian] under-
stands the results which will follow from, and consents to the making of the
order :

(Then continue as in Form No. 30 from the words: It is hereby
ordered.....")

Dated this _____ day of _____ 19 _____ .

(L.S.)

Justice of the Peace for the [County] aforesaid.

36

Supervision order : care or protection

In the [County] of _____ . [Petty Sessional
Division of _____ .]

Before the Juvenile Court sitting at

A.B., of _____ who appears to
the Court to be a child [or young person under the age of seventeen years],
having been born, so far as has been ascertained, on the
day of _____ 19____, was [this day] brought
before the Court as being in need of care or protection, namely, as being a
child [or young person] who [or in respect of whom] (*state description in terms
of section 61 of the Children and Young Persons Act, 1933*).

And the Court is satisfied that the said child [or young person] being within
the description aforesaid is in need of care or protection :

It is hereby ordered that the said child [or young person] be placed under
the supervision of C.D., a probation officer [a person appointed by the Court
for that purpose] for a period of

And that :—

* (a) the said child [or young person having consented to the making
of this order] do reside at _____ .

[And it is further ordered that the powers which by subsection 2 of section 4
of the Children and Young Persons Act, 1938, are conferred on the said Court
with respect to the variation or revocation of this order may be exercised by
any juvenile court acting for the petty sessional division or place in which
the said child [or young person] may for the time being reside.]

Dated this _____ day of _____ 19____ .

(L.S.)

Justice of the Peace for the [County] aforesaid.

* Strike out where there is no provision as to residence.

37

Supervision order : application by parent or guardian

In the [County] of _____ . [Petty Sessional
Division of _____ .]

Before the Juvenile Court sitting at

C.D., the parent [or guardian] of A.B., of _____
_____, who appears to the Court to be a child [or young person
under the age of seventeen years], having been born, so far as has been
ascertained, on the _____ day of _____ 19____,
having proved to the Court that he/she is unable to control the said child
[or young person] :

And the Court being satisfied that it is expedient to deal with the said
child [or young person] by making an order placing the said child [or young
person] under supervision, and that the parent [or guardian] understands the
results which will follow from and consents to the making of the order :

(*Then continue as in Form No. 36 from the words " It is hereby ordered "*.)

Dated this _____ day of _____ 19____ .

(L.S.)

Justice of the Peace for the [County] aforesaid.

38A

Supervision order : after fit person order

In the [County] of _____ . [Petty Sessional
Division of _____ .]

Before the Juvenile Court sitting at _____

Whereas on the _____ day of _____ 19____ ,
an order was made by the (*state the Juvenile or other Court which made the
order*) sitting at _____ committing A.B. a child [or
young person under the age of seventeen years], residing at _____
, to the care of C.D. :

And complaint has been made by C.D. [or E.F.], who has made application
that the said order may be varied [or revoked] :

Upon hearing the said complaint, the [first-mentioned] Court, being a
Juvenile Court [acting for the same petty sessional division or place as the
Court of Summary Jurisdiction which made the order] [acting for the petty
sessional division or place within which the said A.B. is residing], hereby
revokes the said order :

And the Court is satisfied that it is expedient to substitute for the said
order, an order placing the said child [or young person] under supervision.

(*Then continue as in Form No. 36 from the words " It is hereby ordered ".*)

Dated this _____ day of _____ 19____ .

(L.S.)

Justice of the Peace for the [County] aforesaid.

38B

Supervision order : Education cases

In the [County] of _____ . [Petty Sessional
Division of _____ .]

Before the Juvenile Court sitting at _____

Whereas a school attendance order under section 44 of the Education
Act, 1921, was made by the (*state the Court which made the order*) on
the _____ day of _____ 19____ , in
respect of A.B., a child within the meaning of Section 170 of the said Act,
and a child [or young person under the age of seventeen years] within the
meaning of the Children and Young Persons Act, 1933, having been born, so
far as has been ascertained, on the _____ day of _____
19____ , and the said school attendance order has not been complied with,
without any reasonable excuse within the meaning of the first-mentioned
Act.

(*Then continue as in Form No. 36 from the words " It is hereby ordered ".*)

Dated this _____ day of _____ 19____ .

(L.S.)

Justice of the Peace for the [County] aforesaid.

Supervision order : notice to child or young person

Juvenile Court.

To A.B., of

The Court has made an order placing you under the supervision of C.D.,
 of
 for [months] [years]

This means that C.D., will visit you from time to time, will advise you (and, if necessary, try to find you suitable work). He/she will be a friend to you and if he/she thinks it necessary in your interests, he/she may, at any time while this order is still in force bring you before a Juvenile Court, and the Court may then insert additional provisions in the order * (include a provision determining the place at which you are to reside), or the Court may if it thinks it best in your interests and you are under the age of seventeen years send you to an approved school or commit you to the care of some relative or other suitable person.

The order contains the following provisions :—

That you are to reside at

Dated this day of 19 .

(L.S.)

Justice of the Peace.

In the case of a supervision order made in substitution for an order committing to the care of a fit person the supervision order ceases to be of effect after the time at which the person to whom the order relates attains the age of eighteen years.

* Strike out where there is a provision as to residence.

39A

Order varying or revoking supervision order

In the [County] of . [Petty Sessional
 Division of .]

Before the Juvenile Court sitting at .

Whereas on the day of , 19 ,
 an order was made by the said Court placing A.B., a child [or young person
 under the age of seventeen years] residing at ,
 under the supervision of C.D., a probation officer
 [a person appointed by the Court for that purpose] for a period of .

And complaint has been made by C.D. [or E.F.], who has made application that the said order may be varied or revoked.

Upon hearing the said complaint the said Court hereby revokes the said order [or varies the said order as follows :—

(Then continue as in Form No. 36 from the words " It is hereby ordered ".)]

Dated this day of 19 .

(L.S.)

Justice of the Peace for the [County] aforesaid.

45A

Notice to Secretary of State of supervision order requiring residence in Institution

In the [County] of _____ . [Petty Sessional
 Division of _____ .]
 To the Secretary of State,
 Home Office.

I hereby give you notice that an order was made by the Juvenile Court sitting at _____ placing A.B., a child [or young person under the age of seventeen years with his consent] under supervision and containing a provision that the said child [or young person] should reside in an institution, to wit, at _____ , and that the terms of the order were as follows :—

- (1) that he be under the supervision of C.D., a probation officer [or a person appointed by the Court for that purpose] for a period of _____ .
- (2) that he reside at _____ from _____ for a period of _____ .

Dated this _____ day of _____ 19 _____ .

Clerk of the said Court.

[624]

INSTITUTIONAL RELIEF

See PUBLIC ASSISTANCE

ISLES OF SCILLY

See AREAS OF LOCAL GOVERNMENT; SUPERANNUATION.

JUVENILE COURTS

See INFANTS, CHILDREN AND YOUNG PERSONS.

JUVENILE OFFENDERS

See INFANTS, CHILDREN AND YOUNG PERSONS.

LAND, ACQUISITION, SALE, ETC., OF

CASES :—	PAGE		PAGE
All Souls College, Oxford v. Middlesex C. C., [1938] 2 All E. R. 586	295	Middlesex C. C., [1938] 3 All E. R. 781, D. C. —	296
Re Newhill Compulsory Purchase Order, 1937, Payne's Application, [1938] 2 All E. R. 163, D. C. —	295	Re Heywood's Conveyance, Cheshire Lines Committee v. Liverpool Corporation, [1938] 2 All E. R. 230	296
George Wimpey & Co., Ltd. v.		Bedford (Duke) v. Bucks Water Board, [1938] 1 All E. R. 199; see p. 84, ante.	

CASES

Compulsory Purchase—Purchase for Public Purposes—Claim for Compensation—Arbitrator's Power to Award Interest—Acquisition of Land (Assessment of Compensation) Act, 1919 (c. 57), s. 6—Arbitration Act, 1934 (c. 14), s. 11.

A local authority, as empowered by the Middlesex County Council Act, 1934, s. 35, resolved to acquire certain lands owned by the claimants. It was agreed, *inter alia*, that the sale and purchase should be effected as if the local authority had obtained, and as if there had come into operation, a compulsory purchase order under s. 35 of the Act of 1934, and as if a notice to treat had been served by the local authority for the compulsory purchase of the said lands on Feb. 1, 1936. The claimants claimed compensation, with interest thereon at 4 per cent., from Feb. 1, 1936, and, as the parties could not agree, the assessment of such compensation was referred to an Official Arbitrator. It was now conceded by the claimants that the decision in *Collins v. Feltham Urban District Council*, [1937] 4 All E. R. 189; Digest Supp., determined that interest on the amount of compensation was payable as from the date of the arbitrator's award only, and not from any earlier date. The main question now before the court was whether the Arbitration Act, 1934, s. 11, applied to this assessment of compensation, and empowered the arbitrator to award interest as from the date of the award :—

Held : the Arbitration Act, 1934, s. 11, was not applicable to this arbitration.—*ALL SOULS COLLEGE, OXFORD v. MIDDLESEX COUNTY COUNCIL*, [1938] 2 All E. R. 586; 54 T. L. R. 677. [625]

Compulsory Purchase—“Park, garden or pleasure ground”—“Required for the amenity or convenience of any house”—Housing Act, 1936 (c. 51), s. 75.

For the purpose of building houses, a local authority made an order for the compulsory purchase of a field some 70 yards distant from a mansion, and mainly used for pasturing stock. The field had also been

used from time to time for the festivities of local societies, and the children of the village were allowed to play there at such times. It was contended that the land was part of a park, garden or pleasure ground, or was otherwise required for the amenity or convenience of the mansion :—

Held : the land in question was not part of any park, garden or pleasure ground, nor was it required for the amenity or convenience of the mansion, and the order was properly made.—*Re NEWHILL COMPULSORY PURCHASE ORDER, 1937, PAYNE'S APPLICATION*, [1938] 2 All E. R. 163 ; 102 J. P. 273 ; 82 Sol. Jo. 375 ; *sub nom.* PAYNE v. MINISTER OF HEALTH, 158 L. T. 523 ; 36 L. G. R. 280, D. C. [626]

Local Authority—Land Acquired for Open Space—Assessment of Compensation—Acquired Land partly for Building Purposes—Damage to Adjoining Land by Severance—Betterment of Land by Provision of Open Space—Acquisition of Land (Assessment of Compensation) Act, 1919 (c. 57), s. 2.

Land, which had been partly developed as a building estate, was acquired by the local authority for the purpose of an open space. Adjoining land belonging to the same owners was damaged by the loss of access to an arterial road, but would, it was alleged, be bettered by the provision of the open space :—

Held : (i) the amount of the compensation in respect of the land acquired was its value in the open market, the expenditure thrown away in part development, the amount of damage by severance, and the increase of overhead charges, but no allowance could be made in respect of the loss of builders' profits ;

(ii) in assessing the compensation in respect of the adjoining land, its increase in value, due to the provision of the open space, was to be taken into account.—*GEORGE WIMPEY & Co., LTD. v. MIDDLESEX COUNTY COUNCIL*, [1938] 3 All E. R. 781, D. C. [627]

Covenant not to Use for Authorised Purposes—Validity—Sale of Land—Restrictive Covenants—Annexation of Benefit—Insufficient Description of Land to be Benefited.

In 1876, a railway company acquired by compulsory purchase a plot of land for the purposes of their undertaking. The company entered into a covenant with the vendor, his heirs and assigns that " no engine works or sheds locomotive works or sheds fitting-sheds or any buildings for the purpose of manufacture or business other than goods or passenger stations or signal-boxes or sidings in connection with the railway or stations shall be erected on any lands belonging to or to be acquired (by the company) from J. P. H. his heirs or assigns without the consent of the said J. P. H. his heirs and assigns." The company desired to sell the plot of land to persons who wished to erect a public-house thereon. In 1920, and in 1924, the Liverpool Corporation acquired the adjacent land formerly owned by J. P. H., and claimed to be able to enforce the covenant and prevent the erection of the public-house :—

Held : (i) the covenant, even if originally valid, was not a covenant which ran with the land so as to enure for the benefit of the purchasers, because there was no sufficient description of the land to be benefited ;

(ii) there was no enforceable covenant in any event, because the covenant originally entered into was void under the rule in *Ayr Harbour Trustees v. Oswald* (1883), 8 App. Cas. 623; 11 Digest 103, 4.—*Re Heywood's Conveyance, Cheshire Lines Committee v. Liverpool Corporation*, [1938] 2 All E. R. 230; 82 Sol. Jo. 352. [628]

LAND DRAINAGE

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ORDERS, CIRCULARS AND MEMORANDA

LAND DRAINAGE (ELECTION OF DRAINAGE BOARDS) REGULATIONS, 1938

S. R. & O., 1938, No. 558

June 2, 1938

The Minister of Agriculture and Fisheries (hereinafter called "the Minister") in exercise of the powers conferred upon him under the Land Drainage Act, 1930, hereby makes the following regulations :—

Part I.—As to Register of Electors

1. A Catchment Board, or a Drainage Board (subject to the approval of the Catchment Board, or if there is no Catchment Board, with the approval of the Minister), may divide a drainage district into electoral districts and may determine the number of members to be elected by each such electoral district.

2.—(1) The Clerk of the Drainage Board (hereinafter referred to as "the Clerk") shall prepare as soon as practicable after the provisions of Section 33 of the Land Drainage Act, 1930, have been applied to the Board either by a scheme under Part II or an Order under Part III of the said Act, a register in respect of the district or of each electoral district, if any, containing in consecutive numerical order, the names (in alphabetical order) of those persons who are entitled to vote at an election of members of the Drainage Board or of members thereof to represent each electoral district as the case may be. The Register shall also contain a description of the property in respect of which each elector is entitled to vote, the rateable value of the property for drainage rates and the number of votes to which each elector is entitled. An elector owning or occupying property in two or more electoral districts shall be entered on the register in respect of his property in each district.

(2) The register shall consist of two parts containing the names of those persons who are qualified by reason of (A) the ownership and (B) the occupation of land respectively.

(3) If any land is owned or occupied by joint owners or joint occupiers such joint owners or joint occupiers may for the purpose of this Rule agree upon one of their number to be deemed to be the owner or occupier of the land and his name shall thereupon be placed on the register. In default of such agreement only the name of the joint owner or occupier (as the case may be) whose name appears first when the names are arranged in alphabetical order shall be placed on the register.

(4) Where a person is qualified as an elector in respect of both the ownership and occupation of any land he shall be entitled to be entered on the register and vote in both capacities.

3.—(1) The Clerk shall publish a notice of the proposed register in the manner prescribed in Rule 28.

(2) The notice shall contain the following particulars :—

- (a) the place where a copy of the proposed register may at all reasonable times for a period of 14 days from the date of publication of the notice be inspected by persons interested ;
- (b) the time, being not less than 14 days, within which any person may claim to be registered as an elector or with a different number of votes or any person on the register or any person who has made a claim to be registered as an elector may object to the registration of some other person whose name appears in the proposed register or to the number of votes allotted to him.

(3) Any person who claims to be registered as an elector and whose name is not already on the register shall send the claim to the Clerk, specifying the property in respect of which his claim is made and the estimated annual value of the property.

(4) In the event of any claims being received the Clerk shall as soon as practicable, give notice in the manner prescribed in Rule 28 that a list of claims has been prepared.

(5) The notice shall contain the following particulars :—

- (a) the place where a copy of the list may at all reasonable times for a period of 14 days from the date of publication of the notice be inspected by persons interested.
- (b) the time, being not less than 14 days, within which any person on the register of electors or any person who has made a claim to be registered as an elector may object to the claim of any other person in the list.

(6) Any person whose name appears on the register as an elector or any person who has made a claim to be registered as an elector may :—

- (a) object to the registration of any other person who is included in the register, or to the number of votes allotted to him, by sending notice of objection containing a statement of the grounds on which such objection is based to the Clerk within the time prescribed by paragraph (2) of this rule.
- (b) object to the claim of any other person to be registered as an elector or to the number of votes claimed by him by sending notice of objection containing such statement as aforesaid to the Clerk within the time prescribed by paragraph (5) of this rule.

(7) The Clerk shall, as soon as practicable after receiving any notice of objection, send a copy of the notice to the person in respect of whose registration, number of votes or claim the notice of objection is given.

(8) The Drainage Board shall, as soon as practicable, consider all claims of which notice given to them in accordance with this Rule, and in respect of which no notice of objection has been given, and, if the Board consider that the claim may be allowed without further enquiry, shall give notice to the claimant that his claim is allowed. If the Board are not satisfied that any such claim can be allowed without enquiry they shall give at least five clear days' notice to the claimant of the time and place at which the claim will be considered by them.

(9) The Drainage Board shall, as soon as practicable, consider any objection of which notice has been given to them in accordance with this Rule, and for that purpose shall give at least five clear days' notice to the objector and to the person in respect of whose registration, number of votes or claim to registration the notice of objection has been given, of the time and place at which the objection will be considered by them.

(10) The decision of the Drainage Board on any claim or objection shall be final.

(11) The Drainage Board, having considered and determined all claims and objections, shall approve the register with such additions and amendments as may be necessary, and notice of such approval shall be published in the manner prescribed in Rule 28.

(12) The notice shall contain the following particulars :—

(a) the date of the approval of the register by the Drainage Board ;

(b) the place where the register may at all reasonable times be inspected by persons interested.

(13) No misnomer or inaccurate description of any person or place on the register shall prejudice the operation of these rules as respects that person or place, provided that the person or place is so designated as to be commonly understood.

(14) The register shall be revised in the month of April immediately preceding each triennial election of members of the Drainage Board.

[629]

Part II.—As to Elections

A.—General

4.—(1) The Returning Officer shall be the Clerk of the Drainage Board, or, if there is no Clerk, some person nominated in writing by the Chairman of the Drainage Board. If at any time, from any default of such Clerk or Chairman or from any other reason, there is no Returning Officer, or such Returning Officer is unwilling or unable to act, the Catchment Board within whose area the district of the Drainage Board is situated, or if there is no such Catchment Board, the Minister may, on the application of any member of the Board, appoint a Returning Officer.

(2) The Returning Officer may, in writing, appoint a fit person or persons to be his Deputy or Deputies for all or any of the purposes relating to the election of members of the Drainage Board. A deputy returning officer shall have all the powers, duties and liabilities of the Returning Officer in relation to the matters in respect of which he is appointed a deputy.

5. The day or days of the poll for the election of the Members of a Drainage Board shall be such day or days between the 24th day of October and 1st day of November as may be fixed by the Drainage Board.

6. The Returning Officer shall according to the direction of the Drainage Board either—

(a) publish between the 7th and the 15th days of September a notice of election in the Form No. 1 in the Schedule to these Rules and such notice shall be published in the manner prescribed in Rule 28, not less than 14 clear days before the date fixed in the notice as the last day for the receipt of nominations by the Returning Officer, or

(b) publish a notice of the election and of a meeting or meetings of electors for the nomination of members at such place within (a) the drainage district or (b) the town or place where the offices of the Drainage Board are situate, or (c) some other convenient centre adjudged reasonable by the Drainage Board and on such day or days and at such time or times between the 24th and 30th days of September as the Drainage Board may appoint. The notice shall be in the Form No. 2 in the Schedule to these Regulations and shall be published in the manner prescribed in Rule 28, not less than 14 clear days before the day or any of the days fixed for the meeting or meetings.

7.—(1) Each candidate for election as a member of a Drainage Board shall be nominated in writing by an elector.

(2) The Returning Officer shall provide nomination papers and any elector may obtain the same from him free of charge.

(3) Every nomination paper shall be in the Form No. 3 in the Schedule to these Regulations or in a form substantially to the like effect, and—

(a) shall state the surname and other name or names in full of the candidate and his place of abode, description and qualification, and

(b) shall be signed by the nominator and witnessed by two other persons.

(4) No candidate may be nominated for more than one electoral district.

(5) The names of more than one candidate shall not be inserted in any one nomination paper.

(6) Any elector of the Drainage District or of an electoral district (as the case may be) may sign nomination papers for as many candidates as there are members to be elected for such Drainage District or electoral district (as the case may be), but no more. An elector being registered as an elector in two or more electoral districts may nominate candidates in each of such electoral districts.

(7) If any elector shall sign nomination papers for a larger number of candidates than there are members to be elected for the electoral district such of the nomination papers signed by him as are first received by the Returning Officer up to the number of members to be so elected shall alone be valid. Provided that for the purposes of this paragraph nomination papers not properly filled up and signed shall be excluded.

(8) The Returning Officer shall number the nomination papers in the order in which they are received by him, and the first valid nomination paper received by him for a candidate shall be deemed to effect the nomination of that candidate.

(9) The Returning Officer shall, as regards each candidate, decide whether he has been nominated by a valid nomination paper, and his decision whether a nomination paper is or is not valid, that is to say, whether the candidate is or is not duly qualified and whether the nomination paper has or has not been properly filled up and signed by the nominator and witnessed by two other persons, and whether it is or is not invalid under Rule 10, if such rule is applicable, shall be final and shall not be questioned in any proceedings whatever. Provided that the Returning Officer shall not be required to decide before the date of the election whether any nomination paper is invalid by reason of the non-payment of any rate.

(10) If the Returning Officer shall decide that a candidate has not been nominated by a valid nomination paper, he shall forthwith put a note on the nomination paper stating the grounds of his decision and shall sign such note.

B.—If a Meeting is held

8.—(1) The Returning Officer shall preside at the Meeting and shall ask that nomination papers shall be handed in to him and they shall be handed in accordingly.

(2) When the Returning Officer shall decide, in accordance with paragraph 10 of Rule 7 that a nomination paper is invalid and shall have put and signed a note on the nomination paper stating the grounds of his decision, he shall state the effect of it to the Meeting.

(3) When it shall appear to the Returning Officer that all nomination papers have been handed in (including any nomination paper in substitution for one decided to be invalid) and not less than ten minutes shall have elapsed since he took the chair, he shall state to the Meeting the names of the duly nominated candidates in the alphabetical order of their surnames, and also their places of abode and their descriptions and qualifications, and the names of their proposers. After such statement has been made, no other nomination paper shall be received.

(4) At the Meeting any candidate may withdraw his candidature. Every withdrawal shall either be in writing signed by the candidate and handed to the Returning Officer, or, if the candidate is present at the Meeting, be declared by word of mouth in which case the Returning Officer shall thereupon write "Candidature withdrawn" on the back of the nomination paper and the candidate shall sign his name or initials thereto. Except as aforesaid, no candidature shall be withdrawn at the Meeting.

(5) If by such withdrawals the number of candidates be reduced below the number of persons to be elected, the Returning Officer shall, if desired by any elector present at the Meeting, allow a reasonable time at the Meeting during which further nomination papers may be handed in.

(6) If any such further nomination papers are handed in as aforesaid the provision of Rule 7 shall apply thereto.

9.—(1) If the candidates (including those whose nominations are handed in under paragraph (5) of Rule 8) whose nominations respectively the Returning Officer decides to be valid and whose respective candidatures are not withdrawn, are not more in number than the persons to be elected, those candidates shall be deemed to be duly elected, and shall be declared by the Returning Officer to be elected.

(2) The Returning Officer shall, as early as practicable after the Meeting, by notice in accordance with Rule 28 certify in the Form No. 4 in the Schedule to these Rules, the names, place of abode, description and qualification of each of the persons elected, and inform each of the persons elected of the fact of his election.

C.—If a Meeting is not held

10. Every nomination paper shall be sent to the Returning Officer so that it shall be received at his office within the time prescribed for that purpose in the notice of election. A nomination paper received after that time shall not be valid. The Returning Officer shall note on each nomination paper whether it was received before or after that time.

11. After deciding that a nomination paper of any candidate is invalid (except where the nomination of the candidate by any other nomination paper has been decided to be valid) the Returning Officer shall on the day following the last day for the receipt of nominations send, by post or otherwise, notice of his decision to the candidate.

12. If the number of candidates who receive valid nominations does not exceed the number of members to be elected the Returning Officer shall give public notice in accordance with Rule 28 in the Form No. 5 in the Schedule to these Rules stating that no poll will be held and declaring the candidates to be elected and shall inform each of the persons elected of the fact of his election.

D.—General

13. If at the expiration of the time fixed for nomination, more candidates stand nominated than there are vacancies to be filled up, the Returning Officer shall (except as hereinafter mentioned) arrange for a poll to be taken.

14. If a poll has to be taken the Returning Officer shall on the day after the Meeting or after the last day for the receipt of nominations by him, as the case may be, publish in accordance with Rule 28 and affix on the principal door of the Office of the Drainage Board a statement containing the names, places of abode, descriptions and qualifications

of the persons nominated for election, and also containing a notice of his decision as regards each candidate as to whether he has been nominated by a valid nomination paper or not. He shall also send by post or otherwise to each candidate who has been nominated and has not withdrawn a notification of his nomination.

15. Any candidate who has been duly nominated may, before 5 o'clock in the afternoon of the fourth day after the receipt of notice of his nomination sent to him pursuant to Rule 14, withdraw his candidature by delivering or causing to be delivered at the office of the Returning Officer a notice in writing of such withdrawal signed by him.

16. If by the withdrawal of any candidate as provided by Rule 15, the number of candidates is reduced to a number not exceeding the number of persons to be elected, or if the number of candidates is otherwise so reduced, the Returning Officer shall give public notice in accordance with Rule 28 in the Form No. 5 in the Schedule to these Rules stating that no poll will be held and declaring the remaining candidates to be elected and shall inform each of the persons elected of the fact of his election.

17. If the number of valid nominations is less than the number of members to be elected, or if there is no valid nomination, the Returning Officer shall as soon as practicable give notice thereof to such number of the retiring members of the Drainage Board (or of the retiring members for the electoral district concerned, as the case may be), as is required to make up the number of members to be elected, and he shall forthwith declare such retiring members to be re-elected, or if no previous election has been held, to be elected. Members so declared to be elected or re-elected shall be such as were highest on the poll at the last election, or if the poll was equal or there was no poll or no previous election has been held, as shall have been selected by lot for that purpose by the Returning Officer.

18. If a poll has to be taken the Returning Officer shall as soon as practicable after the expiration of the fourth day specified in Rule 15 publish in accordance with Rule 28 a notice of the poll in the Form No. 6 in the Schedule to these Rules and not less than seven days before the poll, shall send by post to each qualified elector or to his Deputy duly appointed a voting paper in the Form No. 7 in the Schedule to these Rules or in a form substantially to the like effect in respect of each hereditament owned by him and a voting paper as aforesaid in respect of each hereditament occupied by him. Each form shall bear in the right-hand top corner the name of the elector and number corresponding with the number of the elector in the Register, and the number of votes to which such elector is entitled.

19. An elector who has not received a voting paper sent by post as aforesaid to his address as appearing on the register, or who has before re-delivery thereof to the returning officer inadvertently spoilt his voting paper in such manner that it cannot be conveniently used as a voting paper, or who has lost his voting paper, may on his transmitting to the Returning Officer a declaration signed by himself before the Returning Officer or a Justice of the Peace setting forth the facts of the non-receipt, the inadvertent spoiling, or the loss of the voting paper, require the Returning Officer to send him a new voting paper in place

of the one not received, or spoilt, or lost, and in case the voting paper has been spoilt, the spoilt voting paper shall be returned to the Returning Officer and when received by him shall be immediately cancelled, and in every case when a new voting paper is issued a mark shall be placed opposite the number of the elector's name on the register, to denote that a new voting paper has been issued in place of the one not received, or spoilt or lost.

20.—(1) Votes may be given either personally or by deputy. A deputy shall be appointed in writing by the appointer either generally or in relation to a particular election, but he shall not be entitled to vote unless the instrument appointing him shall have been deposited at the office of the Drainage Board not later than the date of the Meeting or if there is no Meeting than the last day fixed for the receipt of nominations.

(2) Such deputy shall be appointed in the case of a University or a College within the meaning of the Universities and College Estates Act, 1925, either under the Common Seal or under the hands of the Head or Senior Bursar or Treasurer of such College, in the case of any other Corporation aggregate either under their common seal or under the hand of the Secretary of the Corporation, and in the case of Local Authorities in the manner prescribed by law for the execution of documents by such bodies. In other cases the Returning Officer shall record the vote of a deputy if his appointment as such appears to him to be sufficiently authenticated.

21. Each elector may vote for as many candidates as there are members to be elected and no more. He shall record the votes to which he is entitled in favour of such candidates as he thinks fit by placing opposite to the name of each candidate the number of votes he wishes to record in favour of that candidate but the number of votes so recorded for any one candidate shall not exceed the number to which the elector is entitled.

22. The voting paper shall be filled in, and signed by the elector in the presence of a witness who must write his name and address in the margin.

23. In place of any signature required by these Rules it shall be sufficient for the signatory to affix his mark in the presence of two witnesses who must write their names and addresses in the margin.

24. The Returning Officer shall keep all the voting papers received by him until the expiration of the time appointed for their return to him, and immediately thereafter proceed to count the votes, and forthwith declare the candidates who have gained the majority of the votes polled to be elected.

25. If an equality of votes is found to exist between any of the candidates and the addition of a vote would enable any of such candidates to be declared elected the Returning Officer shall determine by lot which of the candidates whose votes are equal shall be elected.

3. The Minister hereby appoints the following persons to be the first members of the Internal Drainage Board :—

Claude Barton, Esquire, Ingleborough Estate Office, Clapham, Lancaster.

Thomas William Dugdale, Esquire, Felsteads, Bentham, Lancaster.

Thomas Ewbank, Esquire, Lawkland Green, Austwick, Lancaster.

Sidney James Farrer, Esquire, Newby Cote, Clapham, Lancaster.

James Hargreaves, Esquire, Lanshaw, Austwick, Lancaster.

William Hird, Esquire, Pantfield, Austwick, Lancaster.

William Kinsey Mattinson, Esquire, Austwick, Lancaster.

James Southworth, Esquire, Lawkland Hall, Austwick, Lancaster.

[798]

4. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Catchment Board and shall be part of the administrative expenses of the Catchment Board. [799]

* * * * *

RIVER LUNE CATCHMENT BOARD

LAND DRAINAGE ACT, 1930, SECTION 4 (1) (b)

AUSTWICK INTERNAL DRAINAGE DISTRICT.

Scheme prepared by the River Lune Catchment Board under the Land Drainage Act, 1930, section 4 (1) (b) for the constitution of a new Internal Drainage District within the Catchment Area and for constituting a Drainage Board for the Internal Drainage District.

Whereas it appears to the River Lune Catchment Board (hereinafter referred to as "the Catchment Board") being the drainage authority for the River Lune Catchment Area under and for the purposes of the Land Drainage Act, 1930 (hereinafter referred to as "the Act of 1930") that it is desirable and expedient that certain lands (hereinafter referred to as "the said lands") situate and being in the townships of Austwick and Lawkland in the West Riding of the County of York and more particularly described on the map sealed in relation to this scheme which said lands are in area 1,024 acres or thereabouts, should be constituted an Internal Drainage District under the Act of 1930 inasmuch as the said lands are injured by flooding and inadequate drainage, and are likely to be benefited or improved by works of drainage or other operations thereon.

Now therefore the Catchment Board submit the following scheme under section 4 (1) (b) of the Act of 1930 for the approval of the Minister of Agriculture and Fisheries (hereinafter referred to as "the Minister").

SCHEME.

As from a day to be appointed by the Minister the following provisions shall have effect :—

- (1) The area shown in green colour and edged sepia on the map sealed in relation to this Scheme is hereby constituted a separate drainage district for the purposes of the Act of 1930, and such district shall be known as the "Austwick Internal Drainage District" (hereinafter referred to as "the Internal Drainage District").
- (2) The drainage board for the Internal Drainage District shall be known as "the Austwick Internal Drainage Board" (hereinafter referred to as "the Internal Drainage Board") and shall consist of eight

members who, with the exception of the first members, shall be elected in accordance with the provisions of the Act of 1930.

- (3) The first members of the Internal Drainage Board shall be appointed by the Minister and shall hold office until the First day of November in the calendar year next following the calendar year in which the Order in relation to this Scheme comes into force.
- (4) For the purposes of the election of members of the Internal Drainage Board the Drainage District shall be divided into the two electoral districts consisting of the portions of the parishes of Austwick and Lawkland within the areas Numbered 1 and 2 on the said map, and four members shall be elected for each such electoral district.
- (5) The Internal Drainage Board may execute any new drainage works for the purposes of protecting from injury or benefiting or improving the said lands, and repair and maintain any such works when completed, and may maintain and improve the watercourses shown in blue on the said map and any other watercourses which the Internal Drainage Board may deem to be main watercourses and do any other act reasonably required for any such purposes.

* * * * *

Whereas the foregoing Order has been published by the Minister of Agriculture and Fisheries in accordance with the procedure prescribed by the Land Drainage Act, 1930 :

And whereas no memorial against the Order has been presented to the Minister :

Now therefore the Minister, in pursuance of the powers in the said Order recited, does hereby confirm the said Order.

The said Order may be cited as the "River Lune Catchment Board (Austwick Internal Drainage District) Order, 1941". [800]

* * * * *

Whereas the Scheme confirmed by the River Lune Catchment Board (Austwick Internal Drainage District) Order, 1941, provides that the appointed day therein mentioned shall be a day to be appointed by the Minister of Agriculture and Fisheries :

Now therefore the Minister of Agriculture and Fisheries hereby orders that the said appointed day shall be the first day of April, nineteen hundred and forty-one. [801]

* * * * *

THE NORTH LONSDALE RIVERS CATCHMENT AREA ORDER, 1941

S. R. & O., 1941, No. 412

March 22, 1941

The Minister of Agriculture and Fisheries by virtue of the powers conferred upon him by subsection (2) of section 2 of the Land Drainage Act, 1930, hereby orders as follows :—

1. The area the drainage of which is directed to the North Lonsdale Rivers is added to Part I of the First Schedule to the said Act. [802]

2. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Catchment Board of the said North Lonsdale Rivers Catchment Area when constituted and shall be part of the administrative expenses of the said Catchment Board. [803]

* * * * *

Whereas the foregoing Order has been published by the Minister of Agriculture and Fisheries in accordance with the procedure prescribed by the Land Drainage Act, 1930 :

And whereas no memorial against the Order has been presented to the Minister :

Now therefore the Minister, in pursuance of the powers in the said Order recited, does hereby confirm the said Order.

The said Order may be cited as the " North Lonsdale Rivers Catchment Area Order, 1941 ". [804]

* * * * *

THE LAND DRAINAGE GRANTS (FURTHER POSTPONE- MENT OF PRESCRIBED DATE) ORDER, 1941 *

S. R. & O., 1941, No. 1115

April 9, 1941

Whereas subsection (3) of section 15 of the Agriculture Act, 1937, provides that grants shall not be made under that section towards any expenditure incurred by an authority after the prescribed date which subject as therein-after provided shall be the thirty-first day of July, nineteen hundred and forty.

And whereas the same subsection provides that the prescribed date may be postponed for not more than two successive periods of one year each by Orders made by the Minister with the consent of the Treasury and confirmed by a resolution of each House of Parliament.

And whereas the prescribed date has been duly postponed for one such period of one year and is now the thirty-first day of July, nineteen hundred and forty-one.

Now therefore the Minister of Agriculture and Fisheries being the Minister within the meaning of the said Act hereby with the consent of the Treasury makes the following Order :—

1. The said prescribed date is hereby postponed for a further period of one year and shall be the thirty-first day of July, nineteen hundred and forty-two. [805]

2. This Order may be cited as the Land Drainage Grants (Further Postponement of Prescribed Date) Order, 1941. [806]

* * * * *

* This Order was approved by affirmative resolution of each House of Parliament on July 8, 1941, in accordance with section 15 (3) of the Agriculture Act, 1937.

THE RIVER GREAT OUSE CATCHMENT BOARD (HOUGHTON AND WYTON INTERNAL DRAINAGE DISTRICT) ORDER, 1941

S. R. & O., 1941, No. 1384

September 8, 1941

1. The Minister of Agriculture and Fisheries, in exercise of the powers conferred upon him by the Land Drainage Act, 1930, and of every other power in that behalf, hereby confirms the Scheme in relation to the Houghton and Wyton Internal Drainage District (together with the map referred to therein) submitted to him by the River Great Ouse Catchment Board under section 4 (1) (b) of the said Act, a copy of which Scheme is annexed hereto, with the following modifications (which have been incorporated therein) (that is to say) :—

Preamble to Scheme.—After the words “ matters mentioned in the said sub-section namely :—” a new clause has been inserted as follows :—

“ The abolition of the Houghton and Wyton Drainage Commissioners ”.

Scheme.—Paragraph 1.—After the words “ Drainage Commissioners ” the following words have been inserted :—

“ appointed by or under the Houghton-cum-Wyton Enclosure Award dated the thirteenth day of July One Thousand seven hundred and seventy-five ”.

Paragraph 4.—After the words “ Drainage Commissioners ” the words “ appointed by or under the Houghton-cum-Wyton Enclosure Award dated the Thirteenth day of July One thousand seven hundred and seventy-five ” have been deleted. [807]

2. The Minister hereby appoints the following persons to be the first members of the Internal Drainage Board :—

Mrs. Sarah Ann Fraser, The Elms, Houghton, Huntingdon.
George Thrackray, Esquire, Hurn Farm, Billingborough Fen, Sleaford.
Geoffrey Charles Tacchi, Esquire, Manor Farm, Wyton, Hunts.
Geoffrey Theakston, Esquire, Houghton Road, St. Ives, Hunts.
Allen Joseph Thackray, Esquire, Wyton, Hunts.
John Jenkins Goodliff, Esquire, The Cedars, Houghton, Huntingdon.
[808]

3. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Catchment Board and shall be part of the administrative expenses of the Catchment Board. [809]

* * * * *

LAND DRAINAGE ACT, 1930

RIVER GREAT OUSE CATCHMENT BOARD

Houghton and Wyton Internal Drainage District

The River Great Ouse Catchment Board (hereinafter called “ the Catchment Board ”) in pursuance of sub-section (1) (b) of section 4 of the Land Drainage Act, 1930, have prepared the following Scheme making provision for certain matters mentioned in the said sub-section namely :—

The abolition of the Houghton and Wyton Drainage Commissioners.

The constitution of the lands hereinafter mentioned as a new Internal Drainage District and of the Drainage Board thereof.

Matters supplemental thereto or consequential thereon.

And the Catchment Board submit the Scheme to the Minister of Agriculture and Fisheries for confirmation under section 4 of the Act.

SCHEME

As from a day to be appointed by the Minister of Agriculture and Fisheries the following provisions shall have effect :—

1. The Houghton and Wyton Drainage Commissioners appointed by or under the Houghton-cum-Wyton Enclosure Award dated the thirteenth day of July, One thousand seven hundred and seventy-five shall be abolished.

2. All those lands lying in the Parishes of Houghton and Wyton in the County of Huntingdon coloured pink and edged with a red line on the map scaled by the Catchment Board in relation to this Scheme shall be constituted an Internal Drainage District under the Land Drainage Act, 1930, under the name of the Houghton and Wyton Internal Drainage District.

3. There shall also be constituted an Internal Drainage Board for the said Internal Drainage District under the name of the Houghton and Wyton Internal Drainage Board (hereinafter called the Internal Drainage Board) consisting of six members who with the exception of the first members shall be elected in accordance with the provisions of section 33 of and the Third Schedule to the Land Drainage Act, 1930. The first members of the Board shall be appointed by the Minister of Agriculture and Fisheries and shall hold office until the 1st day of November in the year next after that in which the Order confirming this Scheme comes into operation.

4. All property rights powers duties obligations and liabilities vested in or to be discharged by the Houghton and Wyton Drainage Commissioners shall be transferred to and shall be vested in or discharged by the Drainage Board.

5. Copies of the Minutes of all meetings of the Internal Drainage Board shall be sent to the Catchment Board within twenty-eight days of the meeting to which they relate. [810]

* * * * *

Whereas the Scheme confirmed by the River Great Ouse Catchment Board (Houghton and Wyton Internal Drainage District) Order, 1941, provides that the appointed day therein mentioned shall be a day to be appointed by the Minister of Agriculture and Fisheries ;

Now therefore the Minister of Agriculture and Fisheries hereby orders that the said appointed day shall be the ninth day of September, nineteen hundred and forty-one. [811]

* * * * *

THE LEE CONSERVANCY CATCHMENT BOARD ACT, 1938 (EXTENSION OF TIME), ORDER, 1941

S. R. & O., 1941, No. 1581

October 6, 1941

Whereas the Lee Conservancy Catchment Board have applied to the Minister of Agriculture and Fisheries (hereinafter called "the Minister"), being the appropriate Minister for this purpose, for an Order under section 1 of the Special Enactments (Extension of Time) Act, 1940, in respect of the exercise by the Board of the powers for the compulsory purchase of land conferred upon the Board by the Lee Conservancy Catchment Board Act, 1938, and have fulfilled the requirements of the Minister with respect to the publication of notices and the giving of notice.

And whereas due opportunity has been afforded to persons likely to be affected of making representations.

And whereas the Minister has not deemed it necessary to hold a local enquiry in this matter.

And whereas the Minister is satisfied that modification of the said Act in this respect aforesaid is requisite or expedient by reason of circumstances directly or indirectly attributable to war.

Now therefore the Minister by virtue of the powers conferred upon him by the Special Enactments (Extension of Time) Act, 1940, and all other powers enabling him in that behalf hereby directs as follows—

1. The provisions in section 19 of the Lee Conservancy Catchment Board Act, 1938, shall be so modified as if the words "Nineteen Hundred and Forty-four" were substituted for the words "Nineteen Hundred and Forty-one".
[812]

2. This Order may be cited as The Lee Conservancy Catchment Board Act, 1938 (Extension of Time) Order, 1941. [813]

* * * * *

THE RIVER TRENT CATCHMENT BOARD (ALTERATION OF BOUNDARIES OF MISSON INTERNAL DRAINAGE DISTRICT) ORDER, 1941

S. R. & O., 1941, No. 1582

October 6, 1941

1. The Minister of Agriculture and Fisheries (in this Order called "the Minister") in exercise of the powers conferred upon him by the Land Drainage Act, 1930, and of every other power in that behalf, hereby confirms the Scheme in relation to the Misson Internal Drainage District (together with the map referred to therein) submitted to him by the River Trent Catchment Board under section 4 (1) (b) of the said Act, a copy of which Scheme is annexed hereto. [814]

2. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Catchment Board and shall be part of the administrative expenses of the Catchment Board. [815]

* * * * *

LAND DRAINAGE ACT, 1930

RIVER TRENT CATCHMENT BOARD

The River Trent Catchment Board, in pursuance of subsection (1) (b) of section 4 of the Land Drainage Act, 1930, have prepared the following Scheme making provision for the alteration of the boundaries of the Misson Internal Drainage District constituted under the River Trent Catchment Board (Misson Internal Drainage District) Order, 1940; and for certain matters supplemental to or consequential on the matters aforesaid;

And the Catchment Board submit the Scheme to the Minister of Agriculture and Fisheries for confirmation under section 4 of the said Act.

SCHEME

1. In this Scheme, unless the context otherwise requires—

- (a) "the Minister" means the Minister of Agriculture and Fisheries;
- (b) "the Drainage Board" means the Misson Internal Drainage Board;
- (c) "the added area" means the area hatched red and enclosed within a red line on the map sealed by the Catchment Board in relation to this Scheme and which area formerly formed part of the South Axholme Drainage District.

2. This Scheme shall come into operation on the day appointed by the Minister and such day is hereinafter referred to as "the appointed day."

3. As from the appointed day the boundaries of the Misson Internal Drainage District shall be altered and the added area shall be included within and form part of the Misson Internal Drainage District and the Drainage Board shall have jurisdiction over the added area in addition to their existing jurisdiction over the area coloured pink and enclosed within a red line (including the lands shewn by black and green hatching) on the said map and the jurisdiction of the South Axholme Drainage Board shall cease to have effect over the added area.

4. There are hereby (subject as hereinafter mentioned) transferred to or vested in the Drainage Board

- (a) all banks, channels, bridges, sluices, locks, doors, tunnels, culverts, tools, implements, gear and all other (if any) land, property, securities, investments, cash balances, books, documents and plans belonging to vested in or under the control of the South Axholme Drainage Board;
- (b) all existing liabilities of the South Axholme Drainage Board including liabilities in respect of outstanding loans and mortgages;
- (c) the power to collect all rates (including arrears of rates) already made by the South Axholme Drainage Board and not collected by the appointed day together with the powers and duties of the South Axholme Drainage Board in relation thereto;
- (d) the power to collect all rents, arrears of rents and any other sums of money respectively due and to become due to the South Axholme Drainage Board and not collected on the appointed day;

Provided that this paragraph shall only apply to the Drainage Board so far as the same relates to or to the extent to which the same relates to matters or things within the added area. In the event of any asset or liability being applicable only partially in relation to the added area an equitable adjustment shall be made and only the due proportion shall be transferred to or vested in the Drainage Board and if any dispute shall arise as to such trans-

ference or vesting the same shall be referred to the Minister whose decision thereon shall be final.

5. Subject to the provisions of this Scheme—

- (a) all proceedings, legal and other, begun before the appointed day, may be carried on in like manner as nearly as may be as if this Scheme had not been confirmed, and any such proceeding may be amended in such manner as may appear necessary or proper in order to bring it into conformity with the provisions of the Scheme, the Drainage Board being substituted for the South Axholme Drainage Board ;
- (b) any cause of action by or against the South Axholme Drainage Board which exists before the appointed day in relation to liabilities or property transferred by this Scheme to the Drainage Board shall not be prejudicially affected by the confirmation of this Scheme but may be prosecuted and enforced by or against the Drainage Board as successors of the South Axholme Drainage Board ;
- (c) all contracts, deeds, bonds, agreements, notices and other instruments subsisting immediately prior to the appointed day and affecting any liabilities or property transferred by this Scheme to the Drainage Board shall be of as full force and effect against or in favour of the Drainage Board and may be enforced as fully and effectually as if instead of the South Axholme Drainage Board the Drainage Board had been a party thereto ;
- (d) any provision contained in any Local Act or in any provisional special or other Order confirmed by or having the effect of an Act of Parliament whereby any obligation is imposed upon any person for the benefit of the South Axholme Drainage Board shall not be rendered nugatory or prejudicially affected by anything in this Scheme but so far as it relates or applies to any matters or things within the added area shall, after the appointed day, enure for the benefit of the Drainage Board and be construed as if for any reference therein to the South Axholme Drainage Board there were substituted a reference to the Drainage Board.

6. Save as may be provided by this Scheme and by the Land Drainage Act, 1930, nothing in this Scheme or the said map sealed in relation thereto shall operate to release any person from any obligations to which he was, before the appointed day, subject by reason of tenure, custom, prescription or otherwise, but after the appointed day any such obligation shall enure for the benefit of the Drainage Board and may be enforced by the Drainage Board. [816]

* * * * *

Whereas the Scheme confirmed by the River Trent Catchment Board (Alteration of Boundaries of Misson Internal Drainage District) Order, 1941, provides that the appointed day therein mentioned shall be a day to be appointed by the Minister of Agriculture and Fisheries :

Now therefore the Minister of Agriculture and Fisheries hereby orders that the said appointed day shall be the seventh day of October, nineteen hundred and forty-one. [817]

* * * * *

THE RIVER TRENT CATCHMENT BOARD (ALTERATION OF BOUNDARIES OF SOUTH AXHOLME DRAINAGE DISTRICT) ORDER, 1941

S. R. & O., 1941, No. 1583

October 6, 1941

1. The Minister of Agriculture and Fisheries (in this Order called "the Minister") in exercise of the powers conferred upon him by the Land Drainage Act, 1930, and of every other power in that behalf, hereby confirms the Scheme in relation to the South Axholme Drainage District (together with the map referred to therein), submitted to him by the River Trent Catchment Board under section 4 (1) (b) of the said Act, a copy of which Scheme is annexed hereto. [818]

2. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Catchment Board and shall be part of the administrative expenses of the Catchment Board. [819]

* * * * *

LAND DRAINAGE ACT, 1930

RIVER TRENT CATCHMENT BOARD

The River Trent Catchment Board, in pursuance of subsection (1) (b) of section 4 of the Land Drainage Act, 1930, have prepared the following Scheme making provision for the alteration of the boundaries of the South Axholme Drainage District constituted under The Doncaster District (South Axholme) Drainage Order, 1931 ;

And the Catchment Board submit the Scheme to the Minister of Agriculture and Fisheries for confirmation under section 4 of the said Act.

SCHEME

As from a day to be appointed by the Minister of Agriculture and Fisheries the boundaries of the South Axholme Drainage District shall be altered and the area hatched in purple colour and enclosed within a purple line on the map sealed by the Catchment Board in relation to this Scheme (and which area is to be added to and to form part of the Misson Internal Drainage District under the jurisdiction of the Misson Internal Drainage Board) shall be excluded from the South Axholme Drainage District and the jurisdiction of the South Axholme Drainage Board shall cease to have effect over the excluded area. [820]

* * * * *

Whereas the Scheme confirmed by the River Trent Catchment Board (Alteration of Boundaries of South Axholme Drainage District) Order, 1941, provides that the appointed day therein mentioned shall be a day to be appointed by the Minister of Agriculture and Fisheries :

Now therefore the Minister of Agriculture and Fisheries hereby orders that the said appointed day shall be the seventh day of October, nineteen hundred and forty-one. [821]

* * * * *

THE CHESHIRE RIVERS CATCHMENT BOARD (ABOLITION OF THE FRODSHAM AND HELSBY AND THE RIVER GOWY DRAINAGE DISTRICTS) ORDER, 1941

S. R. & O., 1941, No. 1682

October 23, 1941

1. The Minister of Agriculture and Fisheries, in exercise of the powers conferred upon him by the Land Drainage Act, 1930, and of every other power in that behalf, hereby confirms the Scheme in relation to the Frodsham and Helsby and the River Gowy Drainage Districts submitted to him by the Cheshire Rivers Catchment Board under section 4 (1) (b) of the said Act, a copy of which Scheme is annexed hereto. [822]

2. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Catchment Board and shall be part of the administrative expenses of the Catchment Board. [823]

* * * * *

LAND DRAINAGE ACT, 1930. SECTION 4 (1) (b)

CHESHIRE RIVERS CATCHMENT BOARD.

The Cheshire Rivers Catchment Board, in pursuance of subsection (1) (b) of section 4 of the Land Drainage Act 1930, have prepared the following Scheme making provision for certain matters mentioned in the said subsection, viz. :—

The abolition of the Frodsham and Helsby Drainage District and the River Gowy Drainage District situate in the Cheshire Rivers Catchment Area and of the jurisdiction of the Drainage Boards thereover.

And the Catchment Board hereby submit the Scheme to the Minister of Agriculture and Fisheries for confirmation under section 4 of the said Act.

SCHEME

As from a day to be appointed by the Minister of Agriculture and Fisheries, the following provisions shall have effect :—

1. The Frodsham and Helsby Drainage District, constituted by the Land Drainage Supplemental Act, 1880 (43 & 44 Vict. c. LXXXII) and Provisional Order thereby confirmed, shall be abolished, and the powers of the Frodsham and Helsby Drainage Board shall cease, and the provisions of the said Act and Provisional Order and the Orders of the Minister of Agriculture and Fisheries dated the 15th March, 1929, and 31st May, 1937, so far as such provisions relate to the exercise of the functions of the said Board, shall cease to have effect.

2. The River Gowy Drainage District constituted by the Land Drainage Provisional Order Confirmation (No. 2) Act, 1910 (10 Edw. 7 & 1 Geo. 5, c. XCVII), and the River Gowy Drainage Order, 1922, made on 2nd February, 1922, by the Minister of Agriculture and Fisheries under the Land Drainage Act, 1918, and confirmed on 15th March, 1922, shall be abolished, and the powers of the River Gowy Drainage Board shall cease, and the provisions of the said Act and Order, and the Order of the Minister of Agriculture and Fisheries dated 31st May, 1937, so far as such provisions relate to the exercise of the functions of the said Board shall cease to have effect.

3. The provisions of the Cheshire Rivers Catchment Board (Transfer of Powers of the Drainage Boards of the Frodsham and Helsby and the River Gowy Drainage Districts) Order, 1938, made on the 21st February, 1938, and confirmed on the 28th March, 1938, transferring the powers, duties, liabilities, obligations and property of each of the said Drainage Boards of the said Drainage Districts to the Catchment Board as from 1st April, 1938, shall cease to have effect. [824]

* * * * *

Whereas the Scheme confirmed by the Cheshire Rivers Catchment Board (Abolition of the Frodsham and Helsby and the River Gowy Drainage Districts) Order, 1941, provides that the appointed day therein mentioned shall be a day to be appointed by the Minister of Agriculture and Fisheries:

Now therefore the Minister of Agriculture and Fisheries hereby orders that the said appointed day shall be the first day of November, nineteen hundred and forty-one. [825]

* * * * *

THE RIVER NENE CATCHMENT BOARD (NORTH LEVEL (SIXTH DISTRICT) INTERNAL DRAINAGE DISTRICT) ORDER, 1941

S. R. & O., 1941, No. 1717

October 30, 1941

1. The Minister of Agriculture and Fisheries (in this Order called the Minister) in exercise of the powers conferred upon him by the Land Drainage Act, 1930, and of every other power in that behalf hereby confirms the Scheme in relation to the North Level (Sixth District) Internal Drainage District (together with the map referred to therein) submitted to him by the River Nene Catchment Board under section 4 (1) (b) of the said Act, a copy of which Scheme is annexed hereto with the following modifications (which have been incorporated therein) (that is to say):—

A new paragraph 4 has been inserted in the Scheme as follows and the subsequent paragraphs re-numbered accordingly:—

“The rights powers duties obligations and liabilities under the Inclosure Award of the parish of Peterborough Without dated 18th January, 1821, relating to the maintenance of certain drains which were later taken over by the Corporation of the Borough of Peterborough and which are by this Scheme included within the Internal Drainage District are hereby abrogated”.

Paragraph 5 (a). After the words “North Level (Sixth District) Internal Drainage Board” the words “(hereinafter referred to as “the Internal Drainage Board”)” have been inserted.

Paragraph 6 (b), Line 12. The words “fourth day of August One thousand nine hundred and thirty-nine” have been substituted for the words “seven tenth day of July One thousand nine hundred and thirty-nine.”

Paragraph 6 (c) has been amended to read as follows:—

“Any arrears of Drainage Rates made by the Commissioners, assessed on the hereditaments comprised in the Internal Drainage District, together with all powers and duties in relation to the recovery of the same under the Land Drainage Act, 1930, are hereby transferred to and vested in the Internal Drainage Board and the Commissioners shall pay over to the Internal Drainage Board an amount equal to the total of the drainage rates collected by them during the four years

ended the thirty-first day of March one thousand nine hundred and thirty-eight, one thousand nine hundred and thirty-nine, one thousand nine hundred and forty and one thousand nine hundred and forty-one from lands comprised in the Internal Drainage District, less the cost of collection, and less the total amount of any arrears received by the Commissioners during those years in respect of rates levied for years prior to the first day of April, one thousand nine hundred and thirty-eight. In the case of any dispute as to the total amount payable under this clause the same shall be referred to and determined by the Catchment Board". [826]

2. The Minister hereby appoints the following persons to be the first members of the Drainage Board of the said District :—

Alfred Henry Hand, Esquire, 27, Vergette Street, Peterborough.

William James Hawkey, Esquire, Tanholt, Eye, Peterborough.

Frederick White Holdich, Esquire, Eastwood, Broadway, Peterborough.

Lawrence Besant Odam, Esquire, Thorney, Peterborough.

Charles Bertram Patston, Esquire, Eyebury House, Eye, Peterborough.

Horace Lucas Samson, Esquire, County Offices, Bridge Street, Peterborough.

William Leonard Tebbs, Esquire, Flag Fen House, Peterborough.

William Skelton Whittome, Esquire, Arnwood, Flag Fen, Peterborough. [827]

3. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Catchment Board and shall be part of the administrative expenses of the Catchment Board. [828]

* * * * *

LAND DRAINAGE ACT, 1930

THE RIVER NENE CATCHMENT BOARD

The River Nene Catchment Board, in pursuance of subsection (1) (b) of section 4 of the Land Drainage Act, 1930, have prepared the following Scheme making provision for the alteration of the boundaries of the drainage area under the jurisdiction of the North Level (Second District) Drainage Commissioners (hereinafter referred to as "the Commissioners") and for the constitution of a new Internal Drainage District namely the North Level (Sixth District) Internal Drainage District and of the Board thereof; and the Catchment Board submit the Scheme to the Minister of Agriculture and Fisheries (hereinafter referred to as "the Minister") for confirmation under section 4 of the said Act.

SCHEME

As from a day to be appointed by the Minister (hereinafter referred to as "the appointed day");—

1. The drainage area under the jurisdiction of the Commissioners shall be altered so that the lands shown in pink colour and enclosed within a red line on the map sealed by the Catchment Board in relation to this Scheme shall be removed from the said drainage area and the jurisdiction of the Commissioners thereover shall cease and determine.

2. The area shown in pink colour and enclosed within a red line on the said map is hereby constituted a separate Drainage District for the purposes

of the Land Drainage Act, 1930, which shall be known as the North Level (Sixth District) Internal Drainage District and is hereinafter referred to as "the Internal Drainage District".

3. The rights powers duties obligations and liabilities of the Edgerley Drainage Board under the Inclosure Award of the Parish of Eye dated the ninth day of October one thousand eight hundred and twenty-one are hereby abrogated and all such rights powers duties obligations and liabilities shall be transferred to and vested in the Internal Drainage Board hereinafter mentioned.

4. The rights powers duties obligations and liabilities under the Inclosure Award of the Parish of Peterborough Without dated 18th January, 1821, relating to the maintenance of certain drains which were later taken over by the Corporation of the Borough of Peterborough and which are by this Scheme included within the Internal Drainage District are hereby abrogated.

5. The following regulations shall have effect with regard to the Drainage Board for the Internal Drainage District :—

(a) The Drainage Board shall be styled "the North Level (Sixth District) Internal Drainage Board" (hereinafter referred to as "the Internal Drainage Board") and shall consist of eight members who, with the exception of the first members, shall be elected in accordance with the provisions in that behalf contained in section 33 of and the Third Schedule to the Land Drainage Act, 1930.

(b) The first members of the Internal Drainage Board shall be appointed by the Minister and shall hold office until the first day of November in the calendar year next following the calendar year in which the Order in relation to this Scheme comes into force.

6.—(a) All such rights, powers, duties, obligations and liabilities heretofore vested in the Commissioners which are to be or may be exercised or discharged within the Internal Drainage District shall be transferred to and vested in the Internal Drainage Board, and any property held by the Commissioners in connection with the functions aforesaid shall be transferred to and vested in the Internal Drainage Board.

(b) The Internal Drainage Board shall take over control of and be responsible for the maintenance of all such drainage works within the District as in their opinion may be necessary for the efficient control of the drainage of the District other than those which are controlled by the Catchment Board in connection with the "Main River" as marked in red on the map in two parts of the River Nene Catchment Area originally approved by the Minister on the ninth day of March one thousand nine hundred and thirty-one and varied by him on the thirteenth day of August one thousand nine hundred and thirty-four, the twenty-fifth day of July one thousand nine hundred and thirty-five, the twelfth day of July one thousand nine hundred and thirty-seven, the fifteenth day of July one thousand nine hundred and thirty-seven, the fourth day of August one thousand nine hundred and thirty-nine and the twenty-ninth day of January one thousand nine hundred and forty respectively.

(c) Any arrears of Drainage Rates made by the Commissioners, assessed on the hereditaments comprised in the Internal Drainage District, together with all powers and duties in relation to the recovery of the same under the Land Drainage Act, 1930, are hereby transferred to and vested in the Internal Drainage Board and the Commissioners shall pay over to the Internal Drainage Board an amount equal to the total of the drainage rates collected by them during the four years ended the thirty-first day of March one thousand nine hundred and thirty-eight, one thousand nine hundred and thirty-

nine, one thousand nine hundred and forty and one thousand nine hundred and forty-one from lands comprised in the Internal Drainage District, less the cost of collection, and less the total amount of any arrears received by the Commissioners during those years in respect of rates levied for years prior to the first day of April one thousand nine hundred and thirty-eight. In the case of any dispute as to the total amount payable under this clause the same shall be referred to and determined by the Catchment Board.

7.—(a) The Members of the Internal Drainage Board shall be North Level Commissioners for the purpose of putting into execution the powers and authorities of the several Acts of Parliament relating to the North Level.

The Members of the Committee of eighteen set up by the Act of Parliament 2 Geo. III. c. 78 of which the Marginal Note is "Commissioners of the Five Districts by Act 27 Geo. II. to elect a Committee to superintend and direct works" as increased to twenty-three by the River Nene Catchment Board (North Level Commissioners) Scheme, 1939, shall be further increased to twenty-six and three members of the Internal Drainage Board shall be appointed by the North Level Commissioners to act on such Committee.

The provisions of the said several Acts of Parliament relating to the North Level Commissioners and the said Committee as hereby altered (except as regards being Commissioners of the Nene Outfall now dissolved), shall apply to the persons entitled to be North Level Commissioners in accordance with the provision of this clause.

(b) The Clerk of the Internal Drainage Board shall within seven days after every election of the Members of the Board by notice in writing signed by him and sent or delivered to the Clerk of the North Level Commissioners state the names and addresses of all the persons for the time being entitled to be North Level Commissioners in accordance with the provisions of this clause and shall by a like notice in writing intimate to the Clerk of the North Level Commissioners any alteration in the persons so entitled which shall occur from time to time.

8. Nothing in this Scheme contained shall affect prejudicially any estate, right, power, privilege or exemption of the Crown or of the North Level Commissioners which may be existing on the appointed day.

9. This Scheme may be cited as the River Nene Catchment Board (North Level Sixth District Internal Drainage District) Scheme, 1940. [829]

* * * * *

Whereas the Scheme confirmed by the River Nene Catchment Board (North Level (Sixth District) Internal Drainage District) Order, 1941, provides that the appointed day therein mentioned shall be a day to be appointed by the Minister of Agriculture and Fisheries :

Now therefore the Minister of Agriculture and Fisheries hereby orders that the said appointed day shall be the first day of November, nineteen hundred and forty-one. [830]

* * * * *

**DIRECTIONS, DATED OCTOBER 28, 1941, MADE BY THE
MINISTER OF AGRICULTURE AND FISHERIES UNDER
REGULATION 56 (1A) OF THE DEFENCE (GENERAL)
REGULATIONS, 1939**

S. R. & O., 1941, No. 1737

October 28, 1941

The Minister of Agriculture and Fisheries (hereinafter called "the Minister") in pursuance of the powers conferred upon him by Regulation 56(1A) of the Defence (General) Regulations, 1939, hereby directs as follows:—

No person carrying on any land drainage undertaking shall publish, or permit to be published, copies of the accounts of that undertaking, or any report or other documents relating to the operation of that undertaking.

Provided always that this direction shall not relieve any such persons from any obligation imposed by section 49 of the Land Drainage Act, 1930, to send the Minister reports of proceedings and copies of accounts and to furnish copies of such reports and accounts to County Councils, County Borough Councils and Catchment Boards as prescribed in that section, or to prevent them from supplying copies thereof to any Government Department or to the auditors of the undertaking or to such other persons as may be authorised in that behalf by the Minister.

Provided also that such accounts, reports and documents may be inspected at the office of the undertaking by any person who but for this direction would have been entitled to receive or inspect copies thereof and who shall have given to the undertaking notice in writing of his desire so to do not less than seven days previously.

Nothing in the foregoing paragraph shall authorise the taking of copies of or extracts from copies of reports or accounts inspected under the provisions of that paragraph. [831]

* * * * *

**THE RIVER NENE CATCHMENT BOARD (LEVERINGTON
AND LEVERINGTON PARSON DROVE DRAINAGE COM-
MISSIONERS—ALTERATION OF BOUNDARIES) ORDER
1941, CONFIRMED NOVEMBER 27, 1941, BY THE MINIS-
TER OF AGRICULTURE AND FISHERIES UNDER THE
LAND DRAINAGE ACT, 1930 (20 & 21 Geo. 5, c. 44).**

S. R. & O., 1941, No. 1922

November 27, 1941

1. The Minister of Agriculture and Fisheries (in this Order called "the Minister") in exercise of the powers conferred upon him by the Land Drainage Act, 1930, and of every other power in that behalf, hereby confirms the Scheme in relation to the drainage area under the jurisdiction of the Leverington and Leverington Parson Drove Drainage Commissioners (together with the map referred to therein) submitted to him by the River Nene Catchment Board under section 4 (1) (b) of the said Act, a copy of which scheme is annexed hereto. [832]

2. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Catchment Board and shall be part of the administrative expenses of the Catchment Board. [833]

* * * * *

LAND DRAINAGE ACT, 1930

THE RIVER NENE CATCHMENT BOARD.

The River Nene Catchment Board (hereinafter referred to as "The Catchment Board") in pursuance of sub-section (1) (b) of section 4 of the Land Drainage Act, 1930, have prepared the following Scheme making provision for the alteration of the boundaries of the drainage area within the jurisdiction of the Leverington and Leverington Parson Drove Drainage Commissioners (hereinafter referred to as "the Commissioners") and the Catchment Board submit the Scheme to the Minister of Agriculture and Fisheries for confirmation under section 4 of the said Act.

SCHEME

1. As from a day to be appointed by the Minister (hereinafter referred to as "the appointed day") the drainage area of the Commissioners shall be altered in the following respect (that is to say), the area shown in pink colour on the map sealed by the Catchment Board in relation to this Scheme shall be added to and included within the said drainage area.

2. As from the appointed day the existing drainage area of the Commissioners and the said area shown in pink colour on the said map shall comprise the drainage area of the Commissioners and the jurisdiction of the Commissioners shall have effect over the said area.

3. The Leverington and Leverington Parson Drove Drainage Act, 41 Geo. III and the powers exercisable by the Commissioners thereunder shall be exercisable by the Commissioners with respect to the Drainage area of the Commissioners including all lands added to the District by this Scheme.

4. This Scheme may be cited as the River Nene Catchment Board (Leverington and Leverington Parson Drove Drainage Commissioners—Alteration of Boundaries) Scheme, 1941.

* * * * *

Whereas the foregoing Order has been published by the Minister of Agriculture and Fisheries in accordance with the procedure prescribed by the Land Drainage Act, 1930 ;

And whereas no memorial against the Order has been presented to the Minister :

Now therefore the Minister, in pursuance of the powers in the said Order recited, does hereby confirm the said Order.

The said Order may be cited as the "River Nene Catchment Board (Leverington and Leverington Parson Drove Drainage Commissioners—Alteration of Boundaries) Order, 1941." [834]

* * * * *

Whereas the Scheme confirmed by the River Nene Catchment Board (Leverington and Leverington Parson Drove Drainage Commissioners—Alteration of Boundaries) Order, 1941, provides that the appointed day therein mentioned shall be a day to be appointed by the Minister of Agriculture and Fisheries :

Now therefore the Minister of Agriculture and Fisheries hereby orders that the said appointed day shall be the first day of April, nineteen hundred and forty-two. [835]

* * * * *

LICENSED HOUSES AND HOSPITALS

See EVACUATION AND BILLETING.

LIGHT RAILWAYS

ORDERS, CIRCULARS AND MEMORANDA :—

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ORDERS, CIRCULARS AND MEMORANDA

THE LEEDS CORPORATION LIGHT RAILWAYS (EXTENSION) ORDER, 1941

S. R. & O., 1941, No. 1591

October 7, 1941

ARRANGEMENT OF SECTIONS

	SECTION
Preamble	—
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Interpretation	2
Power to make railway	3
Railway to be constructed on separate track	4
Application to the railway of provisions of existing enactments	5
Period for completion of works	6
Power to borrow	7
Costs of Order	8

Whereas by the Leeds Corporation Light Railways Orders 1923 and 1935 the Lord Mayor Aldermen and Citizens of the City of Leeds (hereinafter referred to as "the Corporation" and "the city" respectively) were authorised to construct certain light railways in the city and in a part of the rural district of Hunslet which now forms part of the city :

And whereas an application was in June 1939 duly made to the Minister of Transport by the Corporation in pursuance of the Light Railways Acts 1896 and 1912 as amended by the Railways Act, 1921 for an Order to authorise the construction of the additional light railway hereinafter described :

And whereas by virtue of the Ministers of the Crown (Minister of War Transport) Order, 1941, the powers of the Minister of Transport were transferred to the Minister of War Transport (hereinafter referred to as "the Minister") :

Now therefore the Minister being satisfied after local inquiry of the expediency of granting the said application to the extent hereinafter appearing

does in pursuance of the said Acts and by virtue and in exercise of the power thereby vested in and of every other power enabling him in this behalf order as follows :—

1.—(1) This Order may be cited as the Leeds Corporation Light Railways (Extension) Order 1941 and shall come into force on the date on which it is made by the Minister.

(2) The Leeds Corporation Light Railways Orders 1923 and 1935 and this Order may together be cited as the Leeds Corporation Light Railways Orders 1923 to 1941. [836]

2.—(1) Words and expressions (except the expressions to which meanings are by this section expressly assigned) to which by the Light Railways Act 1896, or by the Order of 1923 or by any enactment incorporated with or applied to the Order of 1923 meanings are assigned have in this Order (unless the context otherwise requires) the same respective meanings and in this Order—

“ The city ” means the City of Leeds ;

“ The Corporation ” means the Lord Mayor Aldermen and Citizens of the City of Leeds ;

“ The Minister ” means the Minister of War Transport ;

“ The Order of 1923 ” and “ the Order of 1935 ” mean respectively the Leeds Corporation Light Railways Order 1923 and the Leeds Corporation Light Railways (Extension) Order 1935 ;

“ The plans ” and “ the sections ” mean respectively the plans and sections deposited in respect of the application for this Order with the Ministry of Transport and signed by a person authorised by the Minister ;

“ The railway ” means the railway and works by this Order authorised or (as the case may be) any part thereof.

(2) The Interpretation Act 1889 applies for the purposes of this Order as if this Order were an Act of Parliament. [837]

3. Subject to the provisions of this Order the Corporation may make form lay down and maintain in the city the railway hereinafter described in the lines and according to the levels and within the limits of deviation shown on the plans and the sections with all proper rails plates sidings junctions works and conveniences connected therewith.

The said railway is :—

A railway (No. 2) 6 furlongs 2 chains or thereabouts in length of double track commencing by a junction with the proposed railway of the Corporation in Belle Isle Road (authorised by the Order of 1935) and proceeding thence in a southerly direction between the dual carriage-ways of Belle Isle Road and terminating at the point of intersection of the centre lines of Belle Isle Road and Middleton Road.

And if the railway or any part thereof has been constructed by the Corporation prior to the commencement of this Order the same shall be deemed to have been constructed under the powers of this Order the provisions of which shall apply thereto as to the railway and to the Corporation in respect thereof. [838]

4.—(1) When the Corporation construct the railway they shall construct the same on a track separate from the carriage-way.

(2) The separate track referred to in this section except where the same is crossed by any public highway or by the ways to be provided in pursuance

of this section shall not for any purpose (other than for the prevention of offences and the prosecution of offenders) form part of the highway.

(3) The Corporation shall at all times provide adequate ways across such separate track to the satisfaction of the Minister and with his approval may vary the position of such ways as they may deem expedient.

(4) Nothing in this section contained shall prejudice alter or affect any of the rights and powers of the Postmaster General under the Telegraph Acts 1863 to 1926 and under section 7 (Use of tramways posts by Postmaster General) of the Leeds Corporation Tramways Order 1907 and such separate track shall be deemed to be a street or public road for the purposes of the said Acts and section respectively. [839]

5.—(1) Except as otherwise in this Order expressly provided the provisions of the Order of 1923 (as amended by the Order of 1935) and of the enactments incorporated with or applied by or to the Order of 1923 and any byelaws and regulations made in pursuance thereof respectively and the provisions of section 6 (As to construction of railway on road) (except the proviso thereto) section 7 (Alteration of lines after construction) (except the proviso thereto) and section 10 (Inquiries by Minister of Transport) of the Order of 1935 so far as such provisions bye-laws and regulations are applicable and not inconsistent with the provisions of this Order shall extend and apply to the Corporation and to the railway as if it were a light railway authorised by those Orders :

Provided that the following sections of the Order of 1923 shall not apply to the railway :—

Section 1.—(Short title) ;

Section 4.—(Power to make railways) ;

Section 12.—(Power to take lands) ;

Section 13.—(Period for compulsory purchase of lands) ;

Section 14.—(Owners may be required to sell parts only of certain lands and buildings.

Section 15.—(Payment of purchase money or compensation to trustees) ;

Section 16.—(Power to accept lease of lands) ;

Section 17.—(Persons under disability may grant easements, &c.) ;

Section 18.—(Acquisition by agreement of lands) ;

Section 19.—(Period for completion of works) ;

Section 23.—(Completion of works and reinstatement of road) ;

Section 24.—(Application of materials excavated from roads) ;

Section 25.—(Repair of metalled portion of road where railway is laid) ;

Section 26.—(As to construction of railway on road) ;

Section 27.—(Alteration of railway after construction) ;

Section 29.—(Liability of Corporation to maintain rails, &c.) ;

Section 30.—(Corporation and road authority may contract for repairing &c. certain roads) ;

Section 31.—(As to fencing of railways) ;

Section 32.—(As to posts, &c.) ;

Section 33.—(For protection of West Riding County Council) ;

Section 38.—(As to manholes) ;

Section 46.—(As to removal of snow, &c.) ;

Section 55.—(Power to borrow) ;

Section 60.—(Expenditure on part of railway outside city) ;

Section 61.—(Trees or shrubs overhanging streets and footpaths) ;

Section 66.—(Orders, &c. of the Ministry of Transport) ;

Section 69.—(Costs of Order).

(2) The following provisions shall apply and have effect with respect to the railway and to the Corporation as if those provisions were with any necessary modifications set out in this Order and in the application thereof the undertaking authorised by this Order shall be deemed to be part of the tramway undertaking of the Corporation and the railway to be part of the Corporation tramways (that is to say) :—

The Leeds Corporation (Consolidation) Act, 1905.

Section 75.—(Attachment of brackets to buildings).

The Leeds Corporation Act, 1924.

Section 35.—(Removal of obstructions). [840]

6. If the whole of the railway is not completed within five years from the commencement of this Order the powers of the Corporation under this Order shall cease :

Provided that the Minister may allow an extension of time as regards the railway or some part of the railway only or may direct that the powers of the Corporation shall cease under this section as regards some part of the railway only and not as regards the whole subject in either case to such conditions (if any) as he may impose. [841]

7.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes of this Order of which the expense is properly chargeable to capital the sum of twenty-one thousand seven hundred pounds together with the sum requisite for paying the costs charges and expenses so chargeable and payable by them under the final section of this Order :

Provided that, so long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940 it shall not be lawful to exercise the powers of borrowing conferred by this section without such consent.

(2) The Corporation shall pay off all moneys borrowed by them under the powers of this Order or of sub-section (3) of section 16 of the Light Railways Act 1896 within such period or periods as the Minister may by order as occasion requires prescribe and different periods may be so prescribed for different borrowings and any period so prescribed shall be the "prescribed period" for the purpose of the enactments hereinafter made applicable under this Order in respect of such payment off of moneys borrowed.

(3) The moneys authorised to be borrowed under the provisions of this section shall be and the same are hereby declared to be principal moneys within the meaning of the Leeds Corporation (General Powers) Act, 1901 and the Leeds Corporation (Consolidation) Act, 1905 and the provisions of those Acts with respect to principal moneys for borrowing or raising of money and the payment off of borrowed money shall subject to the provisions of this Order and subject to the provisions of section 80 (Consolidated Loans Fund) of the Leeds Corporation Act 1924 and of the Consolidated Loans Fund (Leeds) Scheme, 1927 apply accordingly.

(4) The yearly sums required to be provided in respect of principal moneys borrowed under the provisions of this section shall be defrayed as expenses of the tramways undertaking of the Corporation on revenue account in accordance with section 97 of the Leeds Corporation (Consolidation) Act, 1905.

(5) It shall not be obligatory on the Corporation to commence any repayment of money borrowed under the powers of this Order by instalments or by the yearly sums required to be provided until the expiration of one year

after the railway shall have been completed and open for public traffic or two years from the borrowing thereof which ever period shall be the earlier :

Provided that nothing in this section shall be deemed to relieve the Corporation from any obligations as to payment of interest on loans in the case of loans repayable by instalments of principal and interest. [842]

8. All costs charges and expenses of and incident to the preparing for obtaining and making of this Order or otherwise in relation thereto allowed by the Minister shall be paid by the Corporation.

The foregoing Order is hereby made by the Minister of War Transport. [843]

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LOCAL LOANS

See FINANCE.

LONDON

ORDERS, CIRCULARS AND MEMORANDA :—

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ORDERS, CIRCULARS AND MEMORANDA

THE PORT OF LONDON AUTHORITY (EXTENSION OF TERM OF OFFICE) ORDER, 1941

S. R. & O., 1941, No. 343

March 14, 1941

At the Court at Buckingham Palace, the 14th day of March, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas application has been made on behalf of the Port of London Authority praying that His Majesty may be graciously pleased to make an Order in Council under sections two and four of the Chartered and Other Bodies (Temporary Provisions) Act, 1939, with respect to that authority :

Now, therefore, His Majesty, in exercise of the powers conferred on Him by the said sections two and four, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1.—(1) The term of office of the elected members of the Port Authority constituted under the Port of London (Consolidation) Act, 1920, who were holding office on the thirty-first day of March, nineteen hundred and forty, shall extend to the first day of April, nineteen hundred and forty-three, and the election of the elected members of the said authority shall not be held under the said Act until the year nineteen hundred and forty-three.

(2) It shall not be necessary to form a register of electors for the purposes of the said election in the year nineteen hundred and forty-three, and the register formed during the twelve months ending with the thirty-first day of October, nineteen hundred and thirty-nine, shall be the register for the purposes of the said election, and any regulations made by the Minister of Transport under Part IV of the Second Schedule to the said Act providing for the publication of a Provisional Register and the revision thereof shall not apply to the register formed as aforesaid. [844]

2.—(1) The term of office of the chairman, vice-chairman and appointed members of the said Port Authority, who were holding office on the thirty-first day of March, nineteen hundred and forty, shall extend to the first day of April, nineteen hundred and forty-one, and a new chairman and vice-chairman and new appointed members shall be appointed in the manner provided by the said Port of London (Consolidation) Act, 1920, to hold office as from the first day of April, nineteen hundred and forty-one, to the first day of April, nineteen hundred and forty-three.

(2) In a case where the chairman or vice-chairman of the said authority is an elected member of the authority, nothing in the foregoing paragraph shall be taken as affecting his term of office as an elected member. [845]

3.—(1) This Order may be cited as the Port of London Authority (Extension of Term of Office) Order, 1941.

(2) This Order shall have effect as from the thirty-first day of March, nineteen hundred and forty.

(3) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament. [846]

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MENTAL HOSPITALS

See PERSONS OF UNSOUND MIND.

METROPOLITAN POLICE

See POLICE.

MILK AND DAIRIES

See FOOD AND DRUGS.

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ORDERS, CIRCULARS AND MEMORANDA

THE ROAD VEHICLES LICENSING (LEAVE PERMIT) REGULATIONS, 1941

S. R. & O., 1941, No. 97

January 15, 1941

In exercise of the powers conferred on him by section 8 of the Finance Act, 1940, and of all other powers enabling him in that behalf, the Minister of Transport hereby makes the following Regulations :—

1.—(1) A permit issued under section 8 of the Finance Act, 1940, shall be :—

- (a) in respect of a vehicle stated in the registration book thereof to be a private vehicle or a private and goods vehicle, in the Form A in the Schedule hereto, and
- (b) in respect of a vehicle stated in the registration book thereof to be a cycle, in the Form B in the said Schedule.

(2) The authorities by whom such permits may be granted shall be the Board of Admiralty, the Army Council and the Air Ministry or anyone duly authorised by any of those bodies to act for this purpose on their behalf. **[847]**

2. Application for a permit shall be made in person and the applicant shall produce—

- (a) (i) in the case of Naval personnel, a certificate from the Commanding Officer of the ship, place or depot from which the applicant has proceeded on leave showing that the said leave complies with the requirements of subsection (2) of the said section 8 ;
- (ii) in the case of military personnel, his leave warrant and, if an officer, his identity certificate (Army Form B.2606) and, if a soldier, his pay book (Army Book 64, Part I) ; and
- (iii) in the case of Air Force personnel, his leave warrant ;
- (b) the registration book of the vehicle for which a permit is required ; and
- (c) a current certificate of insurance within the meaning of Part II of the Road Traffic Act, 1930. **[848]**

3. These Regulations may be cited as “ The Road Vehicles Licensing (Leave Permit) Regulations, 1941 ”, and shall apply retrospectively as from the 19th April, 1940. **[849]**

4. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [850]

SCHEDULE

FORM A

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FORM B

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THE ROAD VEHICLES LICENSING (LEAVE PERMITS) (AMENDMENT) REGULATIONS, 1941

S. R. & O., 1941, No. 1429

September 2, 1941

Whereas on the 15th January, 1941, the Minister of Transport made the Road Vehicles Licensing (Leave Permits) Regulations, 1941 (hereinafter referred to as "the Principal Regulations").

And whereas it is expedient that the provisions of the Principal Regulations should be modified in manner hereinafter appearing.

Now, therefore, in exercise of the powers vested in him, the Minister of War Transport hereby makes the following Regulations.

1. These Regulations may be cited as "The Road Vehicles Licensing (Leave Permits) (Amendment) Regulations, 1941." [851]

2. The Principal Regulations shall have effect as if from the 1st July, 1941, the following sub-paragraph had been added to paragraph (a) of Regulation 2 thereof:—

"(iv) in the case of personnel of the Merchant Navy a Merchant Navy leave certificate the top section of which has been completed and signed by the Master, Owner or Owner's representative of the ship from which the applicant was granted leave, bearing the stamp of a Mercantile Marine Office and the signature of the Superintendent of that Office." [852]

3. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [853]

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THE ROAD VEHICLES LICENSING (MILITARY LEAVE PERMIT) ORDER, 1941

S. R. & O., 1941, No. 8

January 2, 1941

In exercise of the powers conferred upon them by subsection (6) of section 8 of the Finance Act, 1940, and of all other powers enabling them in that behalf, the Army Council hereby order as follows :—

1. Section 8 of the aforesaid Act shall apply in relation to the women's services specified in the Schedule hereto as it applies to members of His Majesty's military forces. [854]

2. This Order may be cited as "The Road Vehicles Licensing (Military Leave Permit) Order, 1941", and shall apply retrospectively as from 19th April, 1940. [855]

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SCHEDULE

Queen Alexandra's Imperial Military Nursing Service.

Queen Alexandra's Imperial Military Nursing Service Reserve.

Territorial Army Nursing Service.

Territorial Army Nursing Service Reserve.

Auxiliary Territorial Service.

Medical practitioners holding relative military rank and attached to the Royal Army Medical Corps.

Voluntary Aid Detachments. [856]

THE ROAD VEHICLES (REGISTRATION AND LICENSING) (AMENDMENT) PROVISIONAL REGULATIONS, 1941

P. R. & O., 1941

June 16, 1941

Whereas on the 23rd December, 1924, the Minister of Transport made the Road Vehicles (Registration and Licensing) Regulations, 1924 (hereinafter referred to as "the Principal Regulations").

And whereas the Principal Regulations have been amended.

And whereas it is expedient that the provisions of the Principal Regulations should be further amended in manner hereinafter appearing.

Now, therefore, in exercise of the powers vested in him the Minister of War Transport hereby makes the following Regulations and further certifies under section 2 of the Rules Publication Act, 1893, that on account of urgency such Regulations should come into force forthwith as Provisional Regulations and continue in force until Statutory Rules have been made in accordance with the last-mentioned Act.

1. These Regulations may be cited as "The Road Vehicles (Registration and Licensing) (Amendment) Provisional Regulations, 1941." [857]

2. Notwithstanding anything contained in proviso (a) to Article B of Regulation 30 of the Principal Regulations, for the duration of the present war it shall not be an infringement of that Regulation if a casual free lift is

given to members of H.M. Forces in uniform in a vehicle being otherwise lawfully used under a Limited Trade Licence. [858]

3. The Interpretation Act, 1889 applies for the purpose of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [859]

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THE ROAD VEHICLES (REGISTRATION AND LICENSING) REGULATIONS, 1941

S. R. & O., 1941, No. 1149

July 28, 1941

The Minister of War Transport in exercise of the powers conferred on him under or by virtue of the Ministers of the Crown (Minister of War Transport) Order, 1941, section 13 of the Finance Act, 1920, the Roads Act, 1920, and the Orders in Council made thereunder, section 15 of the Finance Act, 1922, and every other power him hereunto enabling, hereby makes the following Regulations, that is to say :—

1.—(1) These Regulations may be cited as “ The Road Vehicles (Registration and Licensing) Regulations, 1941,” and shall come into force on the fifteenth day of August, 1941.

(2) The Road Vehicles (Registration and Licensing) Regulations, 1924, and all Regulations amending them and the Road Vehicles (Registration and Licensing) Regulations, 1938, are hereby revoked.

(3) In these Regulations the expression “ Council ” means County Council as defined in the Roads Act, 1920.

The expression “ approved ” means approved by the Minister of War Transport.

The expression “ Local Taxation Officer ” means the selected officers of the Council to whom powers or duties exercisable or performed by officers of Customs and Excise have been delegated by the Council.

The expression “ prescribed form ” means such one of the forms indicated in the First Schedule hereto as may be appropriate, such forms being obtainable on application either at a Money Order Post Office or at the Office of the Council, as stated in the First Schedule.

The expression “ owner ” means the person by whom the vehicle or the carriage as the case may be is kept and used, and the expression “ ownership ” shall be construed accordingly.

The expression “ General Trade Licence ” means a licence to which paragraph (a) of sub-section (2) of section 15 of the Finance Act, 1922, relates.

The expression “ Limited Trade Licence ” means a licence to which paragraph (b) of sub-section (2) of section 15 of the Finance Act, 1922, relates.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these regulations in like manner as it applies to the interpretation of an Act of Parliament. [860]

PART I

Licensing and Registration of Mechanically Propelled Vehicles.

2. The owner of a mechanically propelled vehicle who desires to obtain a licence for such vehicle shall apply either to the Council in whose area such

vehicle will be ordinarily kept or, where the owner has not previously obtained or had transferred to him in accordance with Regulation 9 (2) hereof a licence in respect of the vehicle, to the Council in whose area such vehicle shall be at the time of the application, by means of a declaration in the prescribed form.

Provided that if such vehicle is thereafter to be ordinarily kept in the area of another Council, the Council issuing the licence shall transfer the Registration Book to be issued in respect of the vehicle under these Regulations direct together with the declaration and other registration papers (if any) to the other Council, and the vehicle shall, thereafter, be registered in the Register of that Council and the Registration Book shall be forwarded by that Council to the holder of the licence. [861]

3. A vehicle shall be deemed to be ordinarily kept in the area of the Council in whose area is situated the garage or other place in which the vehicle is ordinarily kept.

Provided that where the owner satisfies the Council of the area in which he declares his principal place of business or usual place of abode to be situated that a vehicle is not ordinarily kept in any one area, application for a licence may be made to that Council and a licence issued by them. [862]

4.—(1) For the purpose of this Regulation the term "licence" includes a licence for the next ensuing licensing period issued in advance by any Council or Post Office.

(2) In the case of all mechanically propelled vehicles (except tramcars) the licence shall be attached to and carried on the vehicle at all times when the vehicle is in use on a public road and, subject as herein provided, in a holder in compliance with the specification set out in the Second Schedule hereto.

(3) The licence shall be carried on the vehicle :—

(a) *In the case of motor cycles (including motor scooters), motor cycles with trailer, tricycles and invalid carriages :—*

In a conspicuous position on the near side of the vehicle in front of the driving seat ;

(b) *In the case of motor cycles with sidecar :—*

On the near side of the handle-bar of the cycle or the near side of the combination in front of the driving seat ; and

(c) *In the case of all other vehicles (except when placed on or adjacent to the wind screen as hereinafter provided) :—*

On the near side of the vehicle facing toward the near side of the road and not less than 2 feet 6 inches nor more than 6 feet 6 inches from the ground level between two parallel lines, the first drawn vertically through the rearmost part of the driving seat or cab (or where no such fitting exists the foot plate), and the second drawn vertically 6 inches in front of the base of the front glass wind screen where fitted, or where no such wind screen is fitted, through a point 4 feet forward of the first line.

Provided that in the case of a vehicle fitted with a front glass wind screen extending across the vehicle to the near side, the licence may be carried facing forwards on the near (left) lower corner of the glass of such wind screen, or within 2 inches of the glass either in front or behind it and so as to be clearly visible from in front at all times by daylight whether such vehicle is moving or stationary. In the event of the licence being carried actually upon a glass portion of the vehicle, and otherwise

complying with this Regulation, the obligation that it shall be carried in a metal holder with a transparent glass cover shall not be enforced if it is carried in a weatherproof licence container.

The licence shall be placed and carried (except when placed on or adjacent to the wind screen as hereinbefore provided) so as to be clearly visible at all times by daylight to a person standing at the near side of the vehicle, whether such vehicle is moving or stationary. [863]

5. No person shall (either by writing, drawing or in any other manner) alter, deface, mutilate or add anything to any licence for any mechanically propelled vehicle nor shall any person exhibit upon any mechanically propelled vehicle any licence which has been altered, defaced, mutilated or added to as aforesaid or upon which the figures or particulars have become illegible or the colour has become altered by fading or otherwise nor shall any person exhibit any colourable imitation of any licence. [864]

6.—(1) A Registration Book containing such particulars relative to the vehicle in respect of which it is issued as the Minister of War Transport may from time to time direct shall be issued to every owner of a mechanically propelled vehicle (other than a tramcar) in respect of which a licence is issued except in those cases where the form of declaration appropriate to over six vehicles of uniform type in the same ownership (Form R.F. 6) has been used. In cases where Form R.F. 6 has been used the owner shall before selling or otherwise disposing of a vehicle included in such declaration, apply to the Council by whom the vehicle is registered for a Registration Book in respect of such vehicle and upon receipt of such application the Council shall issue such Registration Book.

(2) The Registration Book shall be produced for inspection by the owner at any reasonable time upon request of a Police Officer or Local Taxation Officer.

(3) No person shall deface or mutilate any Registration Book or alter or obliterate any entry made therein or (except as provided by these Regulations) make any entry in or addition to such Registration Book. [865]

7. If any alteration (other than an alteration of the nature referred to in Regulation 8 hereof) shall be made in a vehicle after it has been licensed and registered which affects the registration particulars contained in the last declaration made in respect of the vehicle, the owner shall forthwith, in writing, notify such alteration to the Council with whom such vehicle is registered and at the same time deliver up to that Council his Registration Book for amendment.

Provided that where such alteration renders inaccurate any of the particulars shown upon the licence for the vehicle, he shall also at the same time deliver up the licence for the vehicle to the Council, who shall forthwith issue without charge an amended licence showing the particulars so notified. [866]

8. If the character or the use of a vehicle shall be altered so as to render payable under section 14 of the Finance Act, 1922, duty at a higher rate than that at which duty has been paid the owner shall deliver to the Council a new declaration appropriate to the altered conditions together with the licence and the Registration Book and shall pay the difference between the amount of the duty which would at the rate of duty appropriate to the vehicle before the alteration in character or use be payable on a new licence for the period commencing at the date when the higher rate of duty became applicable and expiring at the end of the period for which the licence was originally issued, and the amount of the duty which would be payable on a new licence for the

like period at the rate of duty appropriate to the vehicle as altered in character or use and the Council shall, subject to the proviso to Regulation 13 of these Regulations, issue to him an amended licence and return the Registration Book. [867]

9.—(1) On the sale or other change of ownership of a vehicle the then owner of the vehicle shall deliver the Registration Book to the transferee or other new owner and forthwith notify in writing the change of ownership to the Council whose name appears in the Registration Book as the last registration authority stating the index mark and registration number, the make and class of vehicle and the name and address of the person to whom the vehicle has been transferred.

(2) The transferee or other new owner of the vehicle shall if he does not intend to use the vehicle (otherwise than under a General Trade Licence or a Limited Trade Licence) forthwith notify in writing such change of ownership to the Council referred to in paragraph (1) of this Regulation stating the index mark and registration number, the make and class of vehicle and the name and address of the person from whom such vehicle has been transferred, but if he intends to use the vehicle (otherwise than under a General Trade Licence or Limited Trade Licence) upon any roads repairable at the public expense he shall before so using the vehicle insert his name and address in the appropriate part of the Registration Book and deliver it to such Council and unless the current licence has been delivered to him by the then owner, which delivery if the provisions of this regulation are otherwise complied with shall operate as a transfer of the said licence, shall obtain a licence in respect of the vehicle in accordance with these Regulations. The Council shall in due course return the Registration Book to the transferee or other new owner unless the vehicle is ordinarily to be kept in the area of another Council in which case the Council receiving the Registration Book as aforesaid shall transfer the Registration Book direct together with the declaration and other registration papers (if any) to the other Council and the vehicle shall, thereafter, be registered in the register of that Council and the Registration Book shall be forwarded by that Council to the transferee or other new owner. Upon expiry of the current licence (if so transferred) the transferee or other new owner shall, if he intends to renew the licence, make application therefor under the provisions of Regulation 2 hereof. [868]

10. On a change of address the owner shall enter particulars of his new address in the space provided in the Registration Book, and shall forthwith deliver up the book with such particulars entered in it to the Council by whom the vehicle is registered, who shall note the change of address and cause the book to be returned to the owner forthwith. [869]

11. When any vehicle shall be broken up, destroyed or sent permanently out of Great Britain, the owner shall notify the Council with whom such vehicle is registered, and shall at the same time deliver the Registration Book to such Council. [870]

12.—(1) If a licence granted or a Registration Book issued by a Council under these Regulations has been lost, destroyed or accidentally defaced or the figures and particulars thereon have become illegible or the colour thereof has become altered by fading or otherwise the owner of the vehicle shall apply to the Council with whom the vehicle is registered for the grant or issue to him of a duplicate licence or Registration Book, as the case may be, and the Council upon being satisfied as to such loss, destruction, defacement, illegibility or alteration as aforesaid and where the licence or Registration Book has been accidentally defaced or the figures and particulars thereon have become illegible or the colour thereof has become altered by fading or otherwise upon the receipt of the licence or Registration Book shall issue a duplicate

so marked on payment of a fee of five shillings, and the duplicate so issued shall have the same effect as the original licence or Registration Book : Provided that where the Council is satisfied that the figures or particulars have become illegible or the colour of the licence has become altered by fading or otherwise without any act or neglect on the part of the holder of the licence they shall issue a duplicate so marked, free of charge.

(2) In the case of the loss of any licence or Registration Book, if at any time after the grant or issue of a duplicate licence or Registration Book the original licence or Registration Book shall be found then the owner of the vehicle shall take all reasonable steps to obtain possession of such original and shall return it to the Council who granted or issued the duplicate thereof [871]

13. Upon the receipt by a Council of a declaration and upon payment by the applicant of the amount of duty appropriate to the vehicle the Council to whom such application is made shall :—

- (i) If they are satisfied that the vehicle in respect of which the application is made is ordinarily kept within their area or is one in respect of which they are otherwise authorised to issue a licence, issue to the applicant a licence in such form as may be appropriate to the type or class of vehicle in respect of which the application is made ;
- (ii) Enter upon such licence before issue thereof :—
 - (a) the index mark and registration number of the vehicle ;
 - (b) the horse-power, maximum seating capacity, or weight unladen (as the case may require) in respect of which duty has been paid provided that where duty has been paid with reference to seating capacity or weight unladen at the maximum rate the letters M A X shall be inserted ;
 - (c) the class, make and colour of the vehicle ;
 - (d) the annual or quarterly rate of duty according to the form of licence issued ; and
 - (e) a stamp or other sufficient mark indicating the name of the authority by whom the licence is issued, and the date when the duty was paid ;
- (iii) Prepare and issue to such applicant or forward to another Council as these Regulations may require the Registration Book with the appropriate particulars entered thereon ;

and shall either retain the declaration made by the owner of the vehicle or forward it to another Council as these Regulations may require :

Provided that a Council shall not be required to issue any licence unless they are satisfied that the licence is the appropriate licence for the vehicle specified in the declaration. [872]

14.—(1) The index mark and registration number which is declared to have been the index mark and registration number of any vehicle at the 31st day of December, 1920, shall thereafter attach to that vehicle until the same is broken up, destroyed or sent permanently out of Great Britain :

Provided that if a Council is not satisfied that such index mark and registration number were at the 31st day of December, 1920, registered in respect of that vehicle under Article III or Article IV of the Motor Car (Registration and Licensing) Order, 1903, or under Article III or Article IV of the Motor Car Registration and Licensing (Scotland) Order, 1903, or under Article III or Article IV of the Motor Car (Registration and Licensing) (Ireland) Order, 1903, as the case may be, they should assign a new index mark and registration number and the licence and Registration Book, if

any, already issued in respect of the vehicle shall be delivered up to the Council who shall issue an amended licence and Registration Book containing the new index mark and registration number.

(2) The index mark and registration number of a vehicle in respect of which an International Certificate for Motor Vehicles has been issued shall during the currency of such Certificate, if the owner does not intend to apply for an International Circulation Permit, be the identification mark allotted to the vehicle by the country which issued the Certificate. The Council which issues any licence in respect of any such vehicle shall notify to the London County Council the identification mark of the vehicle, particulars of the International Certificate for Motor Vehicles and the name and address of the person to whom the licence has been issued.

(3) In the case of any other vehicle the Council shall assign to the vehicle an index mark and a registration number according to the index mark allotted under these Regulations to the Council, which shall thereafter attach to that vehicle until the same is broken up, destroyed or sent permanently out of Great Britain. [873]

15. The Council may before they issue the Registration Book to the owner of a vehicle licensed by them require to be satisfied by the inspection of the vehicle or the production of other sufficient evidence that the vehicle in respect of which such book is to be issued in fact accords with the declaration. [874]

16. The Council may at any time, either before or after the issue of a licence, require the owner of a vehicle in respect of which duty is or may be payable upon the basis of weight unladen to furnish a certificate of weight in the prescribed form, and may if they think fit, by not less than seven days' notice in writing, require the owner to produce the vehicle at a specified time at a specified weigh-bridge, and the owner shall cause the vehicle to be weighed at that time and place in the presence of an officer of the Council. [875]

17. Upon or not more than 14 days before the expiry of a licence application for renewal may be made in the prescribed form in the case of any vehicle the ownership of which has not changed during the currency of the licence and in which no alterations have been made other than such as may have been notified to the Council in conformity with the requirements of these Regulations, either to the Council with whom such vehicle is registered or at any Post Office authorised for that purpose by the Postmaster General within the area of that Council, but renewal of the licence under this Regulation shall not be made at a Post Office—

- (a) after the expiration of 14 days from the date on which the licence expired or
- (b) to any person engaged in the business of letting mechanically propelled vehicles on hire if the vehicle in respect of which the application is made is intended to be used solely for the purpose of being let on hire and driven by the person by whom the vehicle is hired or by persons under his control. [876]

18. Where from any cause a licence becomes void otherwise than by effluxion of time, it shall forthwith be delivered up to the Council with whom the vehicle was last registered, but if the licence is renewed at a Post Office the expired licence shall be delivered up to the Post Office at the time of renewal. [877].

19. Every Council shall establish and keep in such form as the Minister of War Transport may direct a record (in these Regulations referred to as "the Register") of the registration of mechanically propelled vehicles. [878]

20. The index mark allotted to each Council shall be the letter or letters shown opposite to the name of that Council in the Third Schedule hereto. [879]

21. The identification mark to be carried by a vehicle shall consist of the index mark and registration number assigned to that vehicle and shall be exhibited on a flat rectangular plate or on a flat unbroken rectangular surface forming part of the vehicle. In each case the identification mark shall conform as to lettering numbering and otherwise, with the provisions set out in the Fourth Schedule hereto ;

Provided that in the case of invalid carriages not exceeding five cwt. in weight unladen and of motor bicycles—

- (a) the alternative of exhibiting the identification mark on surfaces forming part of the vehicle shall not apply ;
- (b) the flat plate upon which the index mark and registration number aforesaid are exhibited on the front of the vehicle need not be rectangular, but the letters and figures must comply with the arrangement shown in one or other of the diagrams appearing in the Fourth Schedule to these Regulations, and
- (c) the flat plate upon which the index mark and registration number aforesaid are exhibited on the back of the vehicle may have the corners rounded off and the letters forming the index mark (if the form shown in diagram No. 1 is used) may be placed to the left so, however, that no part of the first letter is nearer to the left hand edge of the plate than half an inch. [880]

22. Save as hereinafter provided in Regulation 26 hereof :—

- (1) The identification mark shall be exhibited on the front of, and on the back of, the vehicle in a vertical position, so that every letter or figure of the identification mark is vertical and easily distinguishable, in the case of the letters and figures placed on the front of the vehicle, from in front of the vehicle, and in the case of the letters and figures placed on the back of the vehicle, from behind the vehicle.
- (2) In the case of an invalid carriage not exceeding 5 cwt. in weight unladen or a motor bicycle the plate fixed on the front of the vehicle may, if it is a plate having duplicate faces conforming with the Fourth Schedule hereto, be fixed so that from whichever side the vehicle is viewed the letters and figures on one or other face of the plate are easily distinguishable although they may not be distinguishable from the front of the vehicle.
- (3) No other figures or letters, and no design or ornamentation shall be placed near to the identification mark in such a manner as to be liable to render it more difficult to read or distinguish the identification mark of the vehicle when in motion. [881]

23. When one or more vehicles of any kind are attached to a mechanically propelled vehicle either in front or behind, the identification mark required to be exhibited on the front or on the back of the mechanically propelled vehicle or a duplicate of such identification mark shall be exhibited on the front or on the back of the foremost or rearmost vehicle attached, as the case requires, in the same manner as the identification mark is required to be fixed upon the vehicle drawing or propelling the same. [882]

24. A Council with whom a vehicle is registered may, if they think fit, supply to the owner of the vehicle, if he so desires, plates bearing the identification mark assigned to the vehicle, and may make a charge for them. [883]

25. Save as hereinafter provided in Regulation 26 hereof, whenever during the hours of darkness as defined by sub-section (4) of section 1 of the

Road Transport Lighting Act, 1927, a vehicle is upon a public road, a lamp shall be kept burning on the vehicle, so contrived as to illuminate by means of reflection, transparency, or otherwise, and render easily distinguishable every letter and figure of the identification mark exhibited on the back of the vehicle or on the rearmost vehicle attached to the back of the vehicle, as the case may be. [884]

26.—(1) For the purpose of this Regulation the expressions “invalid carriage” and “motor cycle” have the meanings assigned to them by the Road Traffic Act, 1930; the expression “hours of darkness” has the meaning assigned to it by subsection (4) of section 1 of the Road Transport Lighting Act, 1927; and the expression “observer” means a person standing on the same plane as the vehicle at any point which is more than 10 feet away from the identification mark within a square described on the ground, behind the vehicle in the case of the rear identification mark and in front of the vehicle in the case of the front identification mark, so that one corner of the square is immediately below the identification mark and that the diagonal of the square, drawn from the said corner, is the prolongation of a line parallel to the longitudinal axis of the vehicle.

(2) Every mechanically-propelled vehicle registered for the first time on or after the first day of October, 1938, and as from the first day of October, 1942, every mechanically-propelled vehicle shall comply with the following requirements in place of those of Regulations 22 and 25 hereof:—

- (i) The identification mark shall be exhibited on the front of, and on the back of, the vehicle.
- (ii) Save as hereinafter provided in sub-paragraph (iii) hereof the identification mark of every motor vehicle shall be exhibited so that in normal daylight the letters and figures of the front and the rear identification mark shall be easily distinguishable by an observer in front of or behind the vehicle, as the case may be, the diagonal of the square aforesaid being 60 feet in the case of a motor cycle or an invalid carriage and 75 feet in every other case.
- (iii) In the case of a motor bicycle or an invalid carriage the front identification mark may, if it is a plate having duplicate faces conforming with the Fourth Schedule to these Regulations, be fixed so that from whichever side the vehicle is viewed the letters and figures on one or other face of the plate are easily distinguishable, although they may not be distinguishable from the front of the vehicle.
- (iv) Whenever during the hours of darkness a mechanically-propelled vehicle is upon a public road, a lamp shall be kept burning on the vehicle so contrived as to illuminate by means of reflection, transparency or otherwise, every letter and figure of the identification mark exhibited on the back of the vehicle or on the rearmost vehicle attached to the back of the vehicle as the case may be, and to render them easily distinguishable in the absence of fog by an observer behind the vehicle, the diagonal of the square aforesaid being 50 feet in the case of a motor cycle or an invalid carriage and 60 feet in every other case.

Provided that this sub-paragraph shall not apply in cases where, under Regulation 18 of the Road Vehicles Lighting Regulations, 1936, the Chief Officer of Police of any police area has given his consent to the use of a parking place or a stand for hackney carriages by vehicles without lights.

(3) No other figures or letters and no design or ornamentation shall be placed near to any identification mark in such a manner as to be liable to

render it more difficult to read or distinguish such identification mark when the vehicle is in motion. [885]

27. A Council shall upon application supply free of charge to any other Council or to any superior officer of police or constable authorised by such officer and upon payment of one shilling to any person who may show to the satisfaction of the Council that he has reasonable cause therefor, the registered name and address of the owner of any vehicle registered with them together with a copy of the particulars registered as those which are shown upon the last licence issued in respect of that vehicle and free of charge to any Collector of Customs and Excise full particulars concerning any vehicle registered with them. [886]

28.—(1) The holder of a licence who intends to surrender such licence and claim a refund of duty in accordance with the provisions of section 18 of the Finance Act, 1924, shall make application to the Council whose name appears in the Registration Book as the last registration authority, and at the same time shall deliver up his licence to the Council and where the licence is a General Trade Licence return any Plates issued to him in connection with that licence. Every such application shall be made upon the prescribed form, unless the Council shall in any case in which they think fit so to do, accept and act upon an application in writing signed by the holder of the licence notwithstanding that it is not made upon a prescribed form.

(2) Where a Council is satisfied that a vehicle in respect of which a licence has been taken out has not been used upon any road repairable at the public expense at any time during the currency of the licence or that a General Trade Licence or Limited Trade Licence under Part II of these Regulations for which duty has been paid has not, in fact, been used at any time during its currency, the holder of the licence or General Trade Licence or Limited Trade Licence (as the case may be) shall upon surrender of such licence and the return of any Licence, Plates or Book issued to him in connection with a General Trade Licence or Limited Trade Licence be entitled to a refund of the duty paid. Any such surrender may be made and duty refunded notwithstanding that the period for which the Licence, General Trade Licence or Limited Trade Licence (as the case may be) was issued has not at the time of the surrender expired. [887]

PART II

General Trade Licences

29. The following set of Regulations shall apply to General Trade Licences, that is to say :—

Article A.—A person being a manufacturer or repairer of or a dealer in mechanically propelled vehicles who desires pursuant to the Roads Act, 1920, as amended by section 15 of the Finance Act, 1922, to obtain a General Trade Licence in respect of :—

- (a) all vehicles used by him, or
- (b) all vehicles used by him of the classes liable to duty under paragraphs 1 and 2 of the Second Schedule to the Finance Act, 1920

shall apply to the Council in whose area his business premises are situate by means of a declaration in the prescribed form.

Article B.—(1) The Council on being satisfied that the applicant is *bonâ fide* a manufacturer, dealer in or repairer of mechanically propelled vehicles

may issue to him the appropriate licence in accordance with the application. Every such licence shall contain :—

1. Name and address of person to whom the licence is issued.
2. Number of identification plate allotted.
3. Date of expiry of licence.
4. Amount of duty paid.
5. Date stamp of office of issue.
6. Serial number of licence.

(2) The Council shall supply free of charge with each General Trade Licence, one plate (with a holder for the licence) for fixing in front and one plate for fixing at the back of a vehicle provided that where application is made and duty paid in respect of a licence for all vehicles the applicant upon application made to the Council in the prescribed manner and upon satisfying the Council that such licence plates are properly required by him shall also be entitled without further payment to licence plates appropriate for the classes of vehicles liable to duty under paragraph 1 of the Second Schedule to the Finance Act, 1920.

(3) The plates and licence holder to be supplied by the Council shall conform to such specifications as the Minister of War Transport may from time to time direct and shall not be altered in any way after they have been so supplied. They shall remain the property of the Council and be returned forthwith to the Council whenever the licence in respect of which they were issued is not renewed.

(4) The plates shall be fixed in front and at the back of the vehicle upon which they may be in use in the manner prescribed by these Regulations, with respect to the index mark and registration number assigned to vehicles under these Regulations and shall be carried at all times when the vehicle is in use on a public road under a General Trade Licence.

The licence without any alteration thereof or addition thereto shall be carried, properly fixed in the holder attached to the front plate so as to be clearly visible at all times by daylight from in front of the vehicle, at all times when a vehicle is in use on a public road under that licence.

Article C.—A General Trade Licence shall not be used by any person other than the person to whom the same is issued and the person to whom the same is issued shall not allow or suffer the licence or the plates issued in connection therewith to be used by any other person but no offence under this Article shall be deemed to have been committed if the person to whom the licence is issued or a person *bonâ fide* in his employ and acting under his authority is present and in charge of the vehicle or if such vehicle is constructed for use by one person only and is being used by a prospective purchaser for the purpose of test or trial.

Article D.—(1) A General Trade Licence shall not be used upon any vehicle other than a vehicle which is in the possession of the holder of such licence in the course of his business as a manufacturer of or repairer of or dealer in mechanically propelled vehicles.

(2) A general Trade Licence shall not at any time be used upon a vehicle which is being used for the conveyance of passengers for profit or reward.

(3) No vehicle shall be used upon a public road under a General Trade Licence for any purpose other than a purpose for which such vehicle is authorised by this Article to be used under such licence.

(4) Subject to the provisions of paragraph (1) and (2) of this Article a vehicle may be used upon a public road under a General Trade Licence for any purpose connected with the business as a manufacturer or repairer of

or dealer in mechanically propelled vehicles of the holder of such licence and so long as such vehicle is *bonâ fide* being used for such purpose the holder of the licence shall not by reason only that some other or further use is being made of the vehicle be deemed to commit a breach of these Regulations.

Article E.—It shall not be necessary for a vehicle upon which the plates issued under these Regulations and a General Trade Licence are being properly carried used and displayed to carry any other identification mark or licence in respect of the vehicle. [888]

Limited Trade Licences

30. The following set of Regulations shall apply to Limited Trade Licences, that is to say :—

Article A.—The provision of Articles A. B. C. D. (except paragraphs (3) and (4) thereof and E of the set of Regulations applicable to General Trade Licences shall apply to Limited Trade Licences as if they were herein repeated with the substitution of the words “ Limited Trade Licence ” for the words “ General Trade Licence ” wherever they occur.

Article B.—(1) Subject to the observance and fulfilment of the provisos hereinafter contained the holder of a Limited Trade Licence may use any vehicle for which such licence is appropriate on a public road under that licence for any one or more of the following purposes :—

- (i) For test or trial in the ordinary course of construction or repair or immediately after completion in either such case.
- (ii) For proceeding to or from a public weighbridge for ascertaining its unladen weight or to or from any place for its registration or inspection by a Council.
- (iii) For test or trial for the benefit of a prospective purchaser ; for proceeding at the instance of a prospective purchaser to any place for the purpose of such test or trial ; or for returning after such test or trial.
- (iv) For delivering the vehicle to the place where the purchaser intends to keep it.
- (v) For delivering a vehicle from his premises to the premises of another manufacturer or repairer or of dealer in mechanically propelled vehicles or removing a vehicle from the premises of another manufacturer or repairer or of dealer in mechanically propelled vehicles direct to his own premises.
- (vi) For proceeding to or returning from a workshop in which a body is to be or has been fitted to the vehicle or the vehicle is to be or has been painted or repaired.
- (vii) For towing a vehicle which, while being driven upon a public road, has become unable to proceed under its own power, from the place where it has broken down to a place for repair or storage.
- (viii) For proceeding from the premises of a manufacturer, or repairer of or dealer in mechanically propelled vehicles to a railway station or wharf for entraining or shipment or from a train or ship to the premises of such manufacturer, repairer, or dealer.
- (ix) For proceeding to or returning from any garage, auction room or other place at which vehicles are usually stored or usually or periodically offered for sale and at which the vehicle is to be or has been stored or is to be or has been offered for sale as the case may be.

Provided that—

- (a) Not more than two persons in addition to the driver shall be carried upon a vehicle which is being used upon any public road under a Limited Trade Licence, each such person being either an employee of the holder of the licence necessary for the purpose for which such vehicle is being used or a prospective purchaser for whom a test is being made or a person nominated by him, but no person, in addition to the driver shall be carried in any vehicle which is being used upon a public road under a Limited Trade Licence on Sundays Bank Holidays Christmas Day Good Friday or other public holidays. In the case of steam vehicles where on the grounds of public safety it is proper and expedient that there shall be two drivers simultaneously engaged in controlling the mechanism of the vehicle this proviso shall be read as if the words "two drivers" were inserted instead of the word "driver" wherever it occurs.
- (b) No vehicle which is being used upon a public road under a Limited Trade Licence shall carry or convey any goods or load whatsoever except such load as it may be necessary to carry for the purpose of testing the vehicle. Any such load shall consist solely of some ordinary form of ballast such as sand gravel scrap iron or the like and no purpose other than that of testing the vehicle shall be served by such conveyance. In particular no such vehicle shall be used for the conveyance of goods in the course of trade or for the delivery or removal of goods but any such load as aforesaid shall be brought back to its place of loading without, except in the case of accident, any part thereof having been removed from the vehicle and without such load having at any time since it was loaded on the vehicle been used or conveyed otherwise than as ballast for the purpose of testing the vehicle.
- (c) No vehicle shall be used upon a public road under a Limited Trade Licence unless the duplicate entries from the book referred to in Article C hereof properly completed are carried along with such vehicle while so in use.

Provided further that for the duration of the present war it shall not be an infringement of this Regulation (i) for a new vehicle used under a Limited Trade Licence in the course of its delivery to a purchaser or to a port for export to carry any load so long as that load is not carried for hire or reward ; (ii) if a casual free lift is given to members of His Majesty's Forces in uniform in a vehicle being otherwise lawfully used under a Limited Trade Licence.

(2) No vehicle shall be used upon a public road under a Limited Trade Licence for any purpose other than a purpose for which the vehicle is authorised by paragraph (1) of this Article to be used under such Licence.

Article C.—(1) Upon the issue of a Limited Trade Licence the Council shall also supply to the person to whom such licence is issued a book in a form approved by the Minister of War Transport in which the holder of such licence shall on each occasion and before such licence is used complete in duplicate the entries for which provision is therein made. One copy of such entries shall remain in the book and the other copy shall be carried with the vehicle during the whole of the journey to which such entries relate, and shall be produced at any time during such journey by the driver for inspection upon demand made by any Police or Local Taxation Officer.

(2) Such books shall be produced at all reasonable times for inspection by any Police or Local Taxation Officer and shall be kept available for

inspection at the place specified in the Declaration made on application for the Limited Trade Licence as the place at which the book will be kept.

(3) No person shall deface or mutilate any book issued under this Article or make any entry therein which is to his knowledge false or misleading or alter or obliterate any entry made therein or except as provided by these Regulations make any entry therein or addition thereto, or after its removal from such book make alter or obliterate any entry in any copy to be carried on the vehicle under paragraph (1) of this Article. [889]

PART III

Mechanically propelled Hackney Vehicles

31. Any vehicle (other than a tramcar) licensed under the provisions of paragraph 3 of the Second Schedule to the Finance Act, 1920, in respect of which the rate of duty paid is less than the rate of duty which would have been payable had the vehicle been licensed under paragraph 6 of the said Schedule, shall display in addition to the index mark and registration number of the vehicle a mark of the dimensions and form set out in the Fifth Schedule hereto in the position in that Schedule unless such vehicle is licensed to ply for hire and carries in a conspicuous position on the outside of the vehicle a mark in the form prescribed by the authority by whom it is licensed to ply for hire indicating clearly that the vehicle is a hackney vehicle so licensed.

Provided that where such a vehicle is temporarily adapted for and used solely for the conveyance of goods in the course of trade it shall not be necessary for the mark prescribed by this Regulation to be so displayed at any time when such vehicle is so adapted and being so used. [890]

PART IV

Mechanically propelled Vehicles exempt from Licence Duty

32. The provisions of these Regulations shall extend to mechanically propelled vehicles exempt from duty on licence with the following modifications :—

(i) Vehicles the property of the Crown

A declaration in the prescribed form shall be made in respect of each such vehicle by a duly authorised officer of the department in whose possession or use such vehicle may be and shall be accompanied by a certificate in the approved form signed by that officer.

Upon receipt by a Council of such declaration and certificate, the Council shall issue to the officer by whom the certificate is signed a licence with the word NIL marked in the space provided for indicating the amount of duty payable but otherwise completed in accordance with these Regulations.

For the purposes of these Regulations the officer authorised as aforesaid shall be deemed to be the owner of the vehicle in the possession or use of the Government Department.

(ii) Vehicles exempt from Licence Duty under Finance Act, 1924, Section 18 (3)

A declaration shall be made in respect of every vehicle which is exempt from licence duty by virtue of section 18 (3) of the Finance Act, 1924, in the same manner as if the owner thereof were applying for a licence in respect of such vehicle.

No licence shall be issued by the Council in respect of the vehicle but the Council shall issue a Registration Book to the owner in accordance with these Regulations.

(iii) *Other exempt Vehicles*

The owner of any motor ambulance or motor fire engine or other fire appliance or of a vehicle which is kept for use exclusively for purposes in connection with the extinction of fire, or of any road roller, road construction vehicle or invalid carriage, shall apply to the Council for a licence for and registration of that vehicle, and upon receipt of such application the Council shall issue a form of licence for such vehicle with the word NIL marked in the space provided for indicating the amount of duty paid, but otherwise completed in accordance with these Regulations.

The application under this Regulation shall in the case of a local authority be made in the prescribed form by the clerk to that authority, and in the case of an Institution by the Secretary or Chief Administrative Officer of that Institution. [891]

PART V

Licensing of Carriages other than Mechanically Propelled Vehicles.

33. A declaration in the prescribed form shall be made in respect of every carriage other than a mechanically propelled vehicle not entitled to exemption from licence duty. Upon receipt of such declaration the Council to whom such application is made shall upon payment of the appropriate duty issue to the applicant a licence in the approved form. Provided that at the option of the owner the application for a licence under this part of these Regulations may be made to any Post Office authorised by the Postmaster-General to issue licences for carriages either personally or by post addressed in accordance with the conditions specified upon the prescribed form. [892]

PART VI

Miscellaneous

34.—(1) For the purposes of the Finance Act, 1920, the horse-power of any mechanically propelled vehicle deriving its motive power wholly from an internal combustion engine worked by a cylinder or cylinders shall be taken to be:—

- (a) In the case of a single-cylinder engine, the horse-power attributable to the cylinder of the engine;
 - (b) In the case of an engine having two or more cylinders, the sum of the horse-powers attributable to the separate cylinders.
- (2) The horse-power attributable to any cylinder of an internal-combustion engine shall be deemed to be equal to the square of the internal diameter of such cylinder measured in inches divided by a numeral:—
- (a) In the case of a cylinder having a single piston, the numeral used as divisor shall be 2.5;
 - (b) In the case of a cylinder having two pistons, the numeral used as divisor shall be 1.6.
- (3) The horse-power of any mechanically propelled vehicle deriving its power wholly from a steam engine shall be taken to be proportional to the effective heating surface of the boiler supplying steam to such engine, at the rate of 1 horse-power for every 3 square feet in such effective heating surface, and the effective heating surface shall be taken to be:—
- (a) In the case of a boiler having horizontal or approximately horizontal tubes, the whole of that surface of the tubes which is exposed to the flame or hot gases;
 - (b) In the case of a boiler having vertical or approximately vertical tubes, half of that surface of the tubes which is exposed to the flame or hot gases.

(4) Any mechanically propelled vehicle deriving its motive power from an electric motor or motors shall be deemed to be of 6 horse-power.

(5) In measuring cylinders and boilers, and in calculating horse-power, fractions of inches and feet and fractions of a unit of horse-power are to be taken into account. Provided that in the final calculation of horse-power a resultant fraction of less than $\cdot 1$ of a unit of horse-power shall be omitted.

(6) Where it appears that, in consequence of the exceptional design or construction of the engine of any mechanically propelled vehicle, the horse-power as calculated under this Regulation is substantially less than the average power which the engine would develop in continuous use on the road if there were no restrictions on speed other than those imposed by the vehicle itself, then such average power shall be taken as the power of the vehicle. [893]

35. The Clerk of the Council and any other officer authorised by the Council are respectively empowered to perform any duty or exercise any power of the Council for the purpose of carrying these Regulations into effect. [894]

36. These Regulations shall not apply to Northern Ireland. [895]

FIRST SCHEDULE

FORMS PRESCRIBED FOR PURPOSES OF THESE REGULATIONS AND OBTAINABLE AT MONEY ORDER POST OFFICES OR AT THE OFFICE OF THE COUNCIL

Form R.F. (1/1).—Declaration for and particulars of motor cars.

Form R.F. (1/2).—Declaration for and particulars of motor cycles.

Form R.F. (4).—Declaration for and particulars of mechanically propelled goods vehicles.

Form R.F. (5).—Declaration for and particulars of road locomotives, tractors and agricultural engines.

Form R.F. (8).—Declaration for and particulars of mechanically propelled hackney vehicles.

Form R.F. (1A).—Renewal declaration for mechanically propelled road vehicles.

Forms R.F. (10/1).—Declaration for (horse drawn) carriage licences (including hackney carriage licences).

FORMS PRESCRIBED FOR PURPOSES OF THESE REGULATIONS AND OBTAINABLE ONLY AT THE OFFICE OF THE COUNCIL.

Form R.F. (1/3).—Declaration for and particulars of mechanically propelled invalid carriages.

Form R.F. (3).—Declaration for and particulars of mechanically propelled vehicles exempt from licence duty.

Form R.F. (3/1).—Declaration for and particulars of mechanically propelled vehicles, the property of the Crown.

Form R.F. (4/1).—Declaration for and particulars of electrically propelled goods vehicles.

Form R.F. (4/2).—Declaration for and particulars of showmen's special vehicle.

Form R.F. (4/3).—Declaration for and particulars of agricultural goods vehicle.

Form R.F. (4/4).—Declaration for and particulars of goods vehicle propelled by steam or gas.

Form R.F. (4/6).—Declaration for and particulars of Local Authorities' watering and cleansing vehicles.

Form R.F. (5/1).—Declaration for and particulars of tractor vehicles for general haulage.

Form R.F. (5/2).—Declaration for and particulars of showmen's tractors.

Form R.F. (6).—Declaration for and particulars of mechanically propelled vehicles (over six vehicles of uniform type).

Form R.F. (7A).—Application and Declaration for trade licences.

Form R.F. (9).—Declaration for tramcars.

Form R.F. (12/9).—Certificate of weight.

Form R.F. (47).—Application for refund under Section 18 of the Finance Act, 1924 (other than for general trade licences).

Form R.F. (48).—Application for refund under Section 18 of the Finance Act, 1924 (general trade licences only). [896]

SECOND SCHEDULE

FORM OF HOLDER FOR THE LICENCE

The holder must be of metal, and weatherproof. It must be either circular, or rectangular with crossbars, and conform to the following dimensions :—

Type A.—Circular Pattern, without Crossbars

Licence Tray.—The licence, when cut along the outline of the outer of the two circles, should fit neatly into a sheet-metal tray of suitable thickness, having a turned-up edge of sufficient depth to hold the licence and a stout cover of transparent white glass.

Ring cover.—A circular ring of sheet metal shaped to fit down closely on to the tray, and adapted for fixing by screws, bolts, or otherwise, to the vehicle in the prescribed position. A rubber packing ring should be arranged to fit between the ring cover and the cover glass and tray so as to render the whole carrier weatherproof.

Dimensions.—The aperture within the ring cover should clearly exhibit the whole of the licence lying within the inner circle of the licence, and should have a diameter of $2\frac{1}{8}$ inches.

Type B.—Rectangular Pattern, with Crossbars

Licence Tray.—A sheet-metal tray of suitable thickness, having a turned-up edge all round and a stout cover of transparent white glass.

Cover Frame.—A cover frame, formed out of sheet metal, should be shaped to fit down closely on to the licence tray, and adapted for fixing by screws, bolts, or otherwise, to the vehicle in the position previously described.

A rubber packing ring should be arranged to fit between the cover frame and the cover glass and tray, so as to render the whole carrier weatherproof.

Dimensions.—The main aperture within the cover frame should be $3\frac{1}{8}$ inches long and $3\frac{1}{8}$ inches wide, and be bisected axially by two bars intersecting at right angles, so as to leave four rectangular openings, each $1\frac{3}{4}$ inches long and $1\frac{3}{8}$ inches wide, clearly exhibiting the licence. [897]

THIRD SCHEDULE

County Council of—

Anglesey	...	...	EY.
Bedford	...	...	BM, MJ, NM, TM, ABM, AMJ, ANM, ATM, BBM, BMJ, BNM, BTM, CBM, CMJ, CNM, CTM, DBM, DMJ, DNM, DTM, EBM, EMJ, ENM, ETM, FBM, FMJ, FNM & FTM.
Berks	...	...	BL, JB, MO, RX, ABL, AJB, AMO, ARX, BBL, BJB, BMO, BRX, CBL, CJB, CMO, CRX, DBL, DJB, DMO, DRX, EBL, EJB, EMO & ERX.
Brecknock	...	...	EU.
Bucks	...	...	BH, KX, PP, ABH, AKX, APP, BBH, BKX, BPP, CBH, CKX, CPP, DBH, DKX, DPP, EBH, EKX, EPP, FBH, FKX, FPP, GBH, GKX, GPP, HBH, HKX, HPP, JBH, JKX, JPP, KBH, KXK & KPP.
Caernarvon	...	...	CC & JC.
Cambridge	...	...	CE, ER, VE, ACE, AER, AVE, BCE, BER, BVE, CCE, CER, CVE, DCE, DER, DVE, ECE, EER, EVE, FCE, FER, FVE, GCE, GER & GVE.

County Council of—*cont.*

Cardigan	...	...	EJ.
Carmarthen	...	...	BX, TH, ABX, ATH, BBX, BTH, CBX, CTH, DBX & DTH.
Chester	...	...	LG, M, MA, MB, TU, ALG, AMA, AMB, ATU, BLG, BMA, BMB, BTU, CLG, CMA, CMB, CTU, DLG, DMA, DMB, DTU, ELG, EMA, EMB, ETU, FLG, FMA, FMB, FTU, GLG, GMA, GMB, GTU, HLG, HMA, HMB, HTU, JLG, JMA, JMB, JTU, KLG, KMA, KMB & KTU.
Cornwall	...	...	AF, CV, RL, AAF, ACV, ARL, BAF, BCV, BRL, CAF, CCV, CRL, DAF, DCV, DRL, EAF, ECV, ERL, FAF, FCV, FRL, GAF, GCV, GRL, HAF, HCV, HRL, JAF, JCV, JRL, KAF, KCV, KRL, LAF, LCV & LRL.
Cumberland	...	...	AO, RM, AAO, ARM, BAO, BRM, CAO, CRM, DAO, DRM, EAO, ERM, FAO, FRM, GAO & GRM.
Denbigh	...	...	CA, UN, ACA, AUN, BCA, BUN, CCA, CUN, DCA, DUN, ECA, EUN, FCA & FUN.
Derby	...	...	NU, R, RA, RB, ANU, ARA, ARB, BNU, BRA, BRB, CNU, CRA, CRB, DNU, DRA, DRB, ENU, ERA, ERB, FNU, FRA, FRB, GNU, GRA, GRB, HNU, HRA, HRB, JNU, JRA, JRB, KNU, KRA, KRB, LNU, LRA & LRB.
Devon	...	...	DV, OD, T, TA, TT, UO, ADV, AOD, ATA, ATT, AUO, BDV, BOD, BTA, BTT, BUO, CDV, COD, CTA, CTT, CUO, DDV, DOD, DTA, DTT, DUO, EDV, EOD, ETA, ETT, EUO, FDV, FOD, FTA, FTT, FUO, GDV, GTA, GTT, GUO, HDV, HOD, HTA, HTT, HUO, JDV, JOD, JTA, JTT, JUO, KDV, KOD, KTA, KTT & KUO.
Dorset	...	...	FX, JT, PR, TK, AFX, AJT, APR, ATK, BFX, BJT, BPR & BTK.
Durham	...	...	J, PT, UP, APT, AUP, BPT, BUP, CPT, CUP, DPT, DUP, EPT, EUP, FPT, FUP, GPT & GUP.
Isle of Ely	...	...	EB & JE.
Essex	...	...	EV, F, HK, NO, PU, TW, VW, VX, AEV, AHK, ANO, APU, ATW, AVW, AVX, BEV, BHK, BNO, BPU, BTW, BVW, BVX, CEV, CHK, CNO, CPU, CTW, CVW, CVX, DEV, DHK, DNO, DPU, DTW, DVW, DVX, EEV, EHK, ENO, EPU, ETW, EVW, EVX, FEV, FHK, FNO, FPU, FTW, FVW, FVX, GEV, GHK, GNO, GPU, GTW, GVW, GVX, HEV, HHK, HNO, HPU, HTW, HVW, HVX, JEV, JHK, JNO, JPU, JTW, JVW, JVX, KEV, KHK, KNO, KPU, KTW, KVV, KVX, LEV, LHK, LNO, LPU, LTW, LVW, LVX, MEV, MHK, MNO, MPU, MTW, MVW & MVX.
Flint	...	...	DM, ADM, BDM, CDM & DDM.
Glamorgan	...	...	L, NY, TG, TX, ANY, ATG, ATX, BNY, BTG, BTX, CNY, CTG, CTX, DNY, DTG, DTX, ENY, ETG, ETX, FNY, FTG, FTX, GNY, GTG, GTX, HNY, HTG & HTX.
Gloucester	...	...	AD, DD, DF, DG, AAD, ADD, ADF, ADG, BAD, BDD, BDF, BDG, CAD, CDD, CDF, CDG, DAD, DDD, DDF, DDG, EAD, EDD, EDF, EDG, FAD, FDD, FDF, FDG, GAD, GDD, GDF & GDG.
Hereford	...	...	CJ, VJ, ACJ, AVJ, BCJ, BVJ, CCJ, CVJ, DCJ, & DVJ.

County Council of—*cont.*

Hertford	...	...	AR, JH, NK, RO, UR, AAR, AJH, ANK, ARO, AUR, BAR, BJH, BNK, BRO, BUR, CAR, CJH, CNK, CRO, CUR, DAR, DJH, DNK, DRO, DUR, EAR, EJH, ENK, ERO, EUR, FAR, FJH, FNK, FRO, FUR, GAR, GJH, GNK, GRO, GUR, HAR, HJH, HNK, HRO, HUR, JAR, JJH, JNK, JRO & JUR.
Huntingdon	...	...	EW, AEW, BEW & CEW.
Kent	...	...	D, KE, KJ, KK, KL, KM, KN, KO, KP, KR, KT, AKE, AKJ, AKK, AKL, AKM, AKN, AKO, AKP, AKR, AKT, BKE, BKJ, BKK, BKL, BKM, BKN, BKO, BKP, BKR, BKT, CKE, CKJ, CKK, CKL, CKM, CKN, CKO, CKP, CKR, CKT, DKE, DKJ, DKK, DKL, DKM, DKN, DKO, DKP, DKR, DKT, EKE, EKJ, EKK, EKL, EKM, EKN, EKO, EKP, EKR, EKT, FKE, FKJ, FKK, FKL, FKM, FKN, FKO, FKP, FKR, FKT, GKE, GKJ, GKK, GKL, GKM, GKN, GKO, GKP, GKR, GKT, HKE, HKJ, HKK, HKL, HKM, HKN, HKO, HKP, HKR, HKT, JKE, JKJ, JKK, JKL, JKM, JKN, JKO, JKP, JKR, JKT, KKE, KKJ, KKK, KKL, KKM, KKN, KKO, KKP, KKR & KKT.
Lancaster	...	...	B, TB, TC, TD, TE, TF, TJ, ATB, ATC, ATD, ATE, ATF, ATJ, BTB, BTC, BTD, BTE, BTF, BTJ, CTB, CTC, CTD, CTE, CTF, CTJ, DTB, DTC, DTD, DTE, DTF, DTJ, ETB, ETC, ETD, ETE, ETF, ETJ, FTB, FTC, FTD, FTE, FTF, FTJ, GTB, GTC, GTD, GTE, GTF, GTJ, HTB, HTC, HTD, HTE, HTF & HTJ.
Leicester	...	...	AY, JU, NR, UT, AAY, AJU, ANR, AUT, BAY, BJU, BNR, BUT, CAY, CJU, CNR, CUT, DAY, DJU, DNR & DUT.
Lincolnshire—			
Parts of Holland	...	...	DO & JL.
Parts of Kesteven	...	...	CT, TL, ACT, ATL, BCT & BTL.
Parts of Lindsey	...	...	BE, FU, FW, ABE, AFU, AFW, BBE, BFU, BFW, CBE, CFU & CFW.
London	...	...	A, GC, GF, GH, GJ, GK, GN, GO, GP, GT, GU, GW, GX, GY, JJ, LA, LB, LC, LD, LE, LF, LH, LK, LL, LM, LN, LO, LP, LR, LT, LU, LW, LX, LY, QA, QC, QQ, QS, UC, UL, UU, UV, UW, XA, XB, XC, XD, XE, XF, XH, XK, XL, XM, XN, XO, XP, XR, XT, XU, XV, XW, XX, XY, YE, YF, YH, YK, YL, YM, YN, YO, YP, YR, YT, YU, YV, YW, YX, YY, AGC, AGF, AGH, AGJ, AGK, AGN, AGO, AGP, AGT, AGU, AGW, AGX, AGY, AJJ, ALA, ALB, ALC, ALD, ALE, ALF, ALH, ALK, ALL, ALM, ALN, ALO, ALP, ALR, ALT, ALU, ALW, ALX, ALY, AUC, AUL, AUU, AUV, AUW, AXA, AXB, AXC, AXD, AXE, AXF, AXH, AXK, AXL, AXM, AXN, AXO, AXP, AXR, AXT, AXU, AXV, AXW, AXX, AXY, AYE, AYF, AYH, AYK, AYL, AYM, AYN, AYO, AYP, AYR, AYT, AYU, AYV, AYW, AYW, AYY, BGC, BGF, BGH, BGJ, BGK, BGN, BGO, BGP, BGT, BGU, BGW, BGX, BGY, BJJ, BLA, BLB, BLC, BLD, BLE, BLF, BLH, BLK, BLL, BLM, BLN, BLO, BLP, BLR, BLT, BLU, BLW, BLX, BLY, BUC, BUL, BUU, BUW, BUW, BXA, BXB, BXC, BXD, BXE, BXF, BXH, BXK, BXL, BXM, BXN, BXO, BXP, BXR, BXT, BXU, BXV, BXW, BXX,

County Council of—*cont.*London—*cont.*

BXY, BYE, BYF, BYH, BYK, BYL, BYM, BYN,
 BYO, BYP, BYR, BYT, BYU, BYV, BYW, BYX,
 BYY, CGC, CGF, CGH, CGJ, CGK, CGN, CGO, CGP,
 CGT, CGU, CGW, CGX, CGY, CJJ, CLA, CLB, CLC,
 CLD, CLE, CLF, CLH, CLK, CLL, CLM, CLN, CLO,
 CLP, CLR, CLT, CLU, CLW, CLX, CLY, CUC, CUL,
 CUU, CUV, CUW, CXA, CXB, CXC, CXD, CXE, CXF,
 CXH, CXK, CXL, CXM, CXN, CXO, CXP, CXR,
 CXT, CXU, CXV, CXW, CXX, CXY, CYE, CYF, CYH,
 CYK, CYL, CYM, CYN, CYO, CYP, CYR, CYT, CYU,
 CYV, CYW, CYX, CYY, DGC, DGF, DGH, DGJ, DGK,
 DGN, DGO, DGP, DGT, DGU, DGW, DGX, DGY,
 DJJ, DLA, DLB, DLC, DLD, DLE, DLF, DLH,
 DLK, DLL, DLM, DLN, DLO, DLP, DLR, DLT,
 DLU, DLW, DLX, DLY, DUC, DUL, DUU, DUV,
 DXA, DXB, DXC, DXD, DXE, DXF, DXH, DXK,
 DXL, DXM, DXN, DXO, DXP, DXR, DXT, DXU,
 DXV, DXW, DXX, DXY, DYE, DYF, DYH, DYK,
 DYL, DYM, DYN, DYO, DYP, DYR, DYT, DYU,
 DYV, DYW, DYX, DYY, EGC, EGF, EGH, EGJ,
 EGK, EGN, EGO, EGP, EGT, EGU, EGW, EGX,
 EGY, EJJ, ELA, ELB, ELC, ELD, ELE, ELF, ELH,
 ELK, ELL, ELM, ELN, ELO, ELP, ELR, ELT,
 ELU, ELW, ELX, ELY, EUC, EUL, EUU, EUV,
 EUW, EXA, EXB, EXC, EXD, EXE, EXF, EXH, EXK,
 EXL, EXM, EXN, EXO, EXP, EXR, EXT,
 EXU, EXV, EXW, EXX, EXY, EYE, EYF, EYH,
 EYK, EYL, EYM, EYN, EYO, EYP, EYR, EYT,
 EYU, EYV, EYW, EYX, EYY, FGC, FGF, FGH,
 FGJ, FGK, FGN, FGO, FGP, FGT, FGU, FGW,
 FGX, FGY, FJJ, FLA, FLB, FLC, FLD, FLE, FLF,
 FLH, FLK, FLL, FLM, FLN, FLO, FLP, FLR, FLT,
 FLU, FLW, FLX, FLY, FUL, FUU, FUV, FUW,
 FXA, FXB, FXC, FXD, FXE, FXF, FXH, FXK,
 FXL, FXM, FXN, FXO, FXP, FXR, FXT, FXU,
 FXV, FXW, FXX, FXY, FYE, FYF, FYH, FYK,
 FYL, FYM, FYN, FYO, FYP, FYR, FYT, FYU,
 FYV, FYW, FYX, FYY, GGC, GGF, GGH, GGJ,
 G GK, GGN, GGO, GGP, GGT, GGU, GGW, GGX,
 GGY, GJJ, GLA, GLB, GLC, GLD, GLE, GLF, GLH,
 GLK, GLL, GLM, GLN, GLO, GLP, GLR, GLT, GLU,
 GLW, GLX, GLY, GPO, GUC, GUL, GUU, GUV,
 GUW, GXA, GXB, GXC, GXD, GXE, GXF, GXH,
 G XK, GXL, GXM, GXN, GXO, GXP, GXR, GXT,
 GXU, GXV, GXW, GXX, GXY, GYE, GYF, GYH,
 GYK, GYL, GYM, GYN, GYO, GYP, GYR, GYT,
 GYU, GYV, GYW, GYX, GYY, HGC, HGF, HGH,
 HGJ, HGK, HGN, HGO, HGP, HGT, HGU, HGW,
 HGX, HGY, HJJ, HLA, HLB, HLC, HLD, HLE,
 HLF, HLH, HLK, HLL, HLM, HLN, HLO, HLP,
 HLR, HLT, HLU, HLW, HLX, HLY, HUC, HUL,
 HUW, HUV, HUW, HXA, HXB, HXC, HXD, HXE,
 HXF, HXH, HXK, HXL, HXM, HXN, HXO, HXP,
 HXR, HXT, HXU, HXV, HXW, HXX, HXY,
 HYE, HYF, HYH, HYK, HYL, HYM, HYN, HYO,
 HYP, HYR, HYT, HYU, HYV, HYW, HYX, HYY,
 JGC, JGF, JGH, JGJ, JGK, JGN, JGO, JGP, JGT,
 JGU, JGW, JGX, JGY, JJJ, JLA, JLB, JLC, JLD,
 JLE, JLF, JLH, JLK, JLL, JLM, JLN, JLO, JLP,
 JLR, JLT, JLU, JLW, JLX, JLY, JUC, JUL, JUU,
 JUV, JUW, JXA, JXB, JXC, JXD, JXE, JXF,
 JXH, JXK, JXL, JXM, JXN, JXO, JXP, JXR, JXT,

County Council of—*cont.*London—*cont.*

JXU, JXV, JXW, JXX, JXY, JYE, JYF, JYH,
JYK, JYL, JYM, JYN, JYO, JYP, JYR, JYT, JYU,
JYV, JYW, JYX & JYY.

Merioneth FF.

Middlesex H, HX, MC, MD, ME, MF, MG, MH, MK, ML, MM,
MP, MT, MU, MV, MX, MY, AHX, AMC, AMD,
AME, AMF, AMG, AMH, AMK, AML, AMM, AMP,
AMT, AMU, AMV, AMX, AMY, BHX, BMC, BMD,
BME, BMF, BMG, BMH, BMK, BML, BMM, BMP,
BMT, BMU, BMV, BMX, BMY, CHX, CMC, CMD,
CMF, CMG, CMH, CMK, CML, CMM, CMP,
CMT, CMU, CMV, CMX, CMY, DHX, DMC, DMD,
DME, DMF, DMG, DMH, DMK, DML, DMM, DMP,
DMT, DMU, DMV, DMX, DMY, EHX, EMC, EMD,
EME, EMF, EMG, EMH, EMK, EML, EMM, EMP,
EMT, EMU, EMV, EMX, EMY, FHX, FMC, FMD,
FME, FMF, FMG, FMH, FMK, FML, FMM, FMP,
FMT, FMU, FMV, FMX, FMY, GHX, GMC, GMD,
GME, GMF, GMG, GMH, GMK, GML, GMM, GMP,
GMT, GMU, GMV, GMX, GMY, HHX, HMC, HMD,
HME, HMF, HMG, HMH, HMK, HML, HMM, HMP,
HMT, HMU, HMV, HMX, HMY, JHX, JMC, JMD,
JME, JMF, JMG, JMH, JMK, JML, JMM, JMP, JMT,
JMU, JMV, JMX, JMY, KH, KMC, KMD, KME,
KMF, KMG, KMH, KMK, KML, KMM, KMP, KMT,
KMU, KMV, KMX, KMY, LHX, LMC, LMD, LME,
LMF, LMG, LMH, LMK, LML, LMM, LMP, LMT,
LMU, LMV, LMX, LMY, MHX, MMC, MMD, MME,
MMF, MMG, MMH, MMK, MML, MMM, MMP, MMT,
MMU, MMV, MMX, MMY, NHX, OHX, OMC, OMD,
OME, OMF, OMG, OMH, OMK, OML, OMM, OMP,
OMT, OMU, OMV, OMX, OMY, PHX, PMC, PMD,
PME, PMF, PMG, PMH, PMK, PML, PMM, PMP,
PMT, PMU, PMV, PMX, PMY, RHX, RMC, RMD,
RME, RMF, RMG, RMH, RMK, RML, RMM, RMP,
RMT, RMU, RMV, RMX, RMY, SHX, SMC, SMD,
SME, SMF, SMG, SMH, SMK, SML, SMM, SMP, SMT,
SMU, SMV, SMX & SMY.

Monmouth AX, WO, AAX, AWO, BAX, BWO, CAX, CWO, DAX,
DWO, EAX, EWO, FAX, FWO, GAX & GWO.

Montgomery EP.

Norfolk AH, NG, PW, VF, AAH, ANG, APW, AVF, BAH,
BNG, BPW, BVF, CAH, CNG, CPW, CVF, DAH,
DNG, DPW, DVF, EAH, ENG, EPW, EVF, FAH,
FNG, FPW, FVF, GAH, GNG, GPW & GVF.

Northampton BD, NV, RP, ABD, ANV, ARP, BBD, BNV, BRP,
CBD, CNV & CRP.

Northumberland JR, NL, TY, X, AJR, ANL, ATY, BJR, BNL & BTY.

Nottingham AL, NN, RR, VO, AAL, ANN, ARR, AVO, BAL, BNN,
BRR, BVO, CAL, CNN, CRR, CVO, DAL, DNN,
DRR, DVO, EAL, ENN, ERR, EVO, FAL, FNN,
FRR, FVO, GAL, GNN, GRR, GVO, HAL, HNN,
HRR, HVO, JAL, JNN, JRR & JVO.

Oxford BW, UD, ABW, AUD, BBW & BUD.

Pembroke DE, ADE, BDE, CDE, DDE, EDE, FDE & GDE.

Soke of Peterborough EG & FL.

Radnor FO.

Rutland FP.

County Council of—*cont.*

Salop	...	...	AW, NT, UJ, UX, AAW, ANT, AUJ, AUX, BAW, BNT, BUJ, BUX, CAW, CNT, CUJ & CUX.
Somerset	...	...	Y, YA, YB, YC, YD, AYA, AYB, AYC, AYD, BYA, BYB, BYC, BYD, CYA, CYB, CYC, CYD, DYA, DYB, DYC, DYD, EYA, EYB, EYC, EYD, FYA, FYB, FYC, FYD, GYA, GYB, GYC, GYD, HYA, HYB, HYC, HYD, JYA, JYB, JYC & JYD.
Southampton	...	...	AA, CG, HO, OR, OT, OU, AAA, ACG, AHO, AOR, AOT, AOU, BAA, BCG, BHO, BOR, BOT, BOU, CAA, CCG, CHO, COR, COT, COU, DAA, DCG, DHO, DOR, DOT, DOU, EAA, ECG, EHO, EOR, EOT, EOU, FAA, FCG, FHO, FOR, FOT & FOU.
Stafford	...	...	E, RE, RF, ARE, ARF, BRE, BRF, CRE, CRF, DRE, DRF, ERE, ERF, FRE, FRF, GRE, GRF, HRE, HRF, JRE, JRF, KRE, KRF, LRE, LRF, MRE & MRF.
East Suffolk	...	...	BJ, RT, ABJ, ART, BBJ, BRT, CBJ, CRT, DBJ, DRT, EBJ, ERT, FBJ, FRT, GBJ, & GRT.
West Suffolk	...	...	CF, GV.
Surrey	...	...	P, PA, PB, PC, PD, PE, PF, PG, PH, PJ, PK, PL, APA, APB, APC, APD, APF, APG, APH, APJ, APK, APL, BPA, BPB, BPC, BPD, BPE, BPF, BPG, BPH, BPJ, BPK, BPL, CPA, CPB, CPC, CPD, CPE, CPF, CPG, CPH, CPJ, CPK, CPL, DPA, DPB, DPC, DPD, DPE, DPF, DPG, DPH, DPJ, DPK, DPL, EPA, EPB, EPC, EPD, EPE, EPF, EPG, EPH, EPJ, EPK, EPL, FPA, FPB, FPC, FPD, FPE, FPF, FPG, FPH, FPJ, FPK, FPL, GPA, GPB, GPC, GPD, GPE, GPF, GPG, GPH, GPJ, GPK, GPL, HPA, HPB, HPC, HPD, HPE, HPF, HPG, HPH, HPJ, HPK, HPL, JPA, JPB, JPC, JPD, JPE, JPF, JPG, JPH, JPJ, JPK, JPL, KPA, KPB, KPC, KPD, KPE, KPF, KPG, KPH, KPJ, KPK, KPL, LPA, LPB, LPC, LPD, LPE, LPF, LPG, LPH, LPJ, LPK, LPL, MPA, MPB, MPC, MPD, MPE, MPF, MPG, MPH, MPJ, MPK, MPL, NPA, NPB, NPC, NPD, NPE, NPF, NPG, NPH, NPJ, NPK & NPL.
East Sussex	...	...	AP, NJ, PM, PN, AAP, ANJ, APM, APN, BAP, BNJ, BPM, BPN, CAP, CNJ, CPM, CPN, DAP, DNJ, DPM & DPN.
West Sussex	...	...	BP, PO, PX, ABP, APO, APX, BBP, BPO, BPX, CBP, CPO, CPX, DBP, DPO, DPX, EBP, EPO, EPX, FBP, FPO, FPX, GBP, GPX, HBP, HPO & HPX.
Warwick	...	...	AC, NX, UE, WD, AAC, ANX, AUE, AWD, BAC, BNX, BUE, BWD, CAC, CNX, CUE, CWD, DAC, DNX, DUE & DWD.
Westmorland	...	...	EC & JM.
Isle of Wight	...	...	DL, ADL, BDL, CDL, DDL, EDL & FDL.
Wilts...	...	...	AM, HR, MR, MW, WV, AAM, AHR, AMR, AMW, AWW, BAM, BHR, BMR, BMW, BWV, CAM, CHR, CMR, CMW, CWV, DHR, DMR, DMW & DWV.
Worcester	...	...	AB, NP, UY, WP, AAB, ANP, AUY, AWP, BAB, BNP, BUY, BWP, CAB, CNP, CUY, CWP, DAB, DNP, DUY, DWP, EAB, ENP, EUY, EWP, FAB, FNP, FUY & FWP.
East Riding of Yorkshire.			BT, WF, ABT, AWF, BBT, BWF, CBT, CWF, DBT & DWF.

County Council of—*cont.*

North Riding of York- AJ, PY, VN, AAJ, APY, AVN, BAJ, BPY, BVN, CAJ,
shire. CPY & CVN.

West Riding of York- C, WR, WT, WU, WW, WX, WY, YG, AWR, AWT,
shire. AWU, AWW, AWX, AWY, AYG, BWR, BWT,
BWU, BWV, BWX, BWY, BYG, CWR, CWT,
CWU, CWW, CWX, CWY, CYG, DWR, DWT, DWU,
DWW, DWX, DWY, DYG, EWR, EWT, EWU,
EWW, EWX, EWY, EYG, FWR, FWT, FWU,
FWW, FWX, FWY & FYG.

Council of the County
Borough of—

Barnsley ... HE & AHE.

Barrow-in-Furness ... EO.

Bath ... FB, GL, AFB & AGL.

Birkenhead ... BG, CM, ABG & ACM.

Birmingham ... O, OA, OB, OC, OE, OF, OG, OH, OJ, OK, OL, OM,
ON, OP, OV, OX, VP, AOA, AOB, AOC, AOE, AOF,
AOG, AOH, AOJ, AOK, AOL, AOM, AON, AOP,
AOV, AOX, AVP, BOA, BOB, BOC, BOE, BOF,
BOH, BOJ, BOK, BOL, BOM, BON, BOP, BOV,
BOX, BVP, COA, COB, COE, COF, COG, COH, COJ,
COL, COM, CON, COP, COV, COX, CVP, DOA, DOB,
DOC, DOE, DOF, DOG, DOH, DOJ, DOK, DOL,
DOM, DON, DOP, DOV, DOX, DVP, EOA, EOB,
EOC, EOE, EOF, EOG, EOH, EOJ, EOK, EOL,
EOM, EON, EOP, EOV, EOX, EVP, FOA, FOB,
FOC, FOE, FOF, FOG, FOH, FOJ, FOK, FOL,
FOM, FON, FOP, FOV, FOX, FVP, GOA, GOB,
GOC, GOE, GOF, GOG, GOH, GOJ, GOK, GOL,
GOM, GON, GOP, GOV, GOX, GVP, HOA, HOB,
HOC, HOE, HOF, HOH, HOJ, HOK, HOL, HOM,
HON, HOP, HOV, HOX, HVP, JOA, JOB, JOC,
JOE, JOF, JOG, JOH, JOJ, JOK, JOL, JOM, JON,
JOP, JOV, JOX & JVP.

Blackburn ... BV, CB, ABV, ACB, BBV & BCB.

Blackpool ... FR, FV, AFR, AFV, BFR, BFV, CFR, CFV, DFR &
DFV.

Bolton ... BN, WH, ABN, AWH, BBN, BWH, CBN & CWH.

Bootle ... EM.

Bournemouth ... EL, LJ, RU, AEL, ALJ, ARU, BEL, BLJ, BRU, CEL,
CLJ, CRU, DEL, DLJ, DRU, EEL, ELJ, ERU, FEL,
FLJ, FRU, GEL, GLJ, GRU, HEL, HLJ, HRU, JEL,
JLJ & JRU.

Bradford (Yorkshire) AK, KU, KW, KY, AAK, AKU, AKW, AKY, BAK,
BKU, BKW, BKY, CAK, CKU, CKW, CKY, DAK,
DKU, DKW, DKY, EAK, EKU, EKW, EKY, FAK,
FKU, FKW & FKY.

Brighton ... CD, UF, ACD, AUF, BCD, BUF, CCD, CUF, DCD, DUF,
ECD, EUF, FCD, FUF, GCD, GUF, HCD, HUF, JCD,
JUF, KCD & KUF.

Bristol ... AE, HT, HU, HW, HY, AAE, AHT, AHU, AHW,
AHY, BAE, BHT, BHU, BHW, BHY, CAE, CHT,
CHU, CHW, CHY, DAE, DHT, DHU, DHW, DHY,
EAE, EHT, EHU, EHW, EHY, FAE, FHT, FHU,
FHW, FHY, GAE, GHT, GHU, GHW, GHY, HAE,
HHT, HHU, HHW, HHY, JAE, JHT, JHU, JHW,
JHY, KAE, KHT, KHU, KHW & KHY.

Council of the County

Borough of—*cont.*

Burnley	...	...	CW & HG.
Burton-upon-Trent	...	...	FA.
Bury	...	...	EN.
Canterbury	...	...	FN, JG, AFN, AJG, BFN, BJG, CFN, CJG, DFN & DJG.
Cardiff	...	...	BO, KG, UH, ABO, AKG, AUH, BBO, BKG, BUH, CBO, CKG, CUH, DBO, DKG & DUH.
Carlisle	...	...	HH, AHH, BHH & CHH.
Chester	...	...	FM, AFM, BFM, CFM, DFM, EFM, FFM GFM & HFM.
Coventry	...	...	DU, HP, KV, RW, VC, WK, ADU, AHP, AKV, ARW, AVC, AWK, BDU, BHP, BKV, BRW, BVC, BWK, CDU, CHP, CKV, CRW, CVC, CWK, DDU, DHP, DKV, DRW, DVC, DWK, EDU, EHP, EKV, ERW, EVC, EWK, FDU, FHP, FKV, FRW, FVC, FWK, GDU, GHP, GKV, GRW, GVC, GWK, HDU, HHP, HKV, HRW, HVC & HWK.
Croydon	...	...	BY, OY, RK, VB, ABY, AOY, ARK, AVB, BBY, BOY, BRK, BVB, CBY, COY, CRK, CVB, DBY, DOY, DRK, DVB, EBY, EOY, ERK, EVB, FBY, FOY, FRK, FVB, GBY, GOY, GRK, GVB, HBY, HOY, HRK & HVB.
Darlington	...	...	HN, AHN, BHN, CHN, DHN, EHN, FHN & GHN.
Derby	...	...	CH, RC, ACH & ARC.
Dewsbury	...	...	HD.
Doncaster	...	...	DT, ADT, BDT, CDT, DDT & EDT.
Dudley	...	...	FD, AFD, BFD, CFD, DFD, EFD, FFD, GFD, HFD, JFD & KFD.
Eastbourne	...	...	HC & JK.
East Ham	...	...	HM, HV, AHM, AHV, BHM, BHV, CHM, CHV, DHM & DHV.
Exeter	...	...	FJ, AFJ, BFJ, CFJ, DFJ, EFJ, FFJ, GFJ, HFJ & JFJ.
Gateshead	...	...	CN & ACN.
Gloucester	...	...	FH, AFH, BFH, CFH, DFH, EFH & FFH.
Great Yarmouth	...	...	EX.
Grimsby	...	...	EE, JV, AEE & AJV.
Halifax	...	...	CP, JX, ACP & AJX.
Hastings	...	...	DY, ADY, BDY, CDY & DDY.
Huddersfield	...	...	CX, VH, ACX, AVH, BCX, BVH, CCX, CVH, DCX & DVH.
Ipswich	...	...	DX & PV.
Kingston-upon-Hull	...	...	AT, KH, RH, AAT, AKH, ARH, BAT, BKH, BRH, CAT, CKH, CRH, DAT, DKH, DRH, EAT, EKH, ERH, FAT, FKH, FRH, GAT, GKH, GRH, HAT, HKH, HRH, JAT, JKH, JRH, KAT, KKH & KRH.
Leeds	...	...	NW, U, UA, UB, UG, UM, ANW, AUA, AUB, AUG, AUM, BNW, BUA, CNW, CUA, CUB, CUG, CUM, DNW, DUA, DUB, DUG, DUM, ENW, EUA, EUB, EUG, EUM, FNW, FUA, FUB, FUG, FUM, GNW, GUA, GUB, GUG, GUM, HNW, HUA, HUB, HUG, HUM, JNW, JUA, JUB, JUG, JUM, KNW, KUA, KUB, KUG, KUM, LNW, LUA, LUB, LUG, LUM, MNW, MUA, MUB, MUG, MUM, NNW, NUA, NUB, NUG & NUM.

Council of the County
Borough of—*cont.*

Leicester	...	...	BC, JF, RY, ABC, AJF, ARY, BBC, BJF, BRY, CBC, CJF, CRY, DBC, DJF, DRY, EBC, EJF, ERY, FBC, FJF & FRY.
Lincoln	...	...	FE, VL, AFE, AVL, BFE, BVL, CFE & CVL.
Liverpool	...	...	K, KA, KB, KC, KD, KE, LF, LV, AKA, AKB, AKC, AKD, AKF, ALV, BKA, BKB, BKC, BKD, BKF, BLV, CKA, CKB, CKC, CKD, CKF, CLV, DKA, DKB, DKC, DKD, DKF, DLV, EKA, EKB, EKC, EKD, EKF, ELV, FKA, FKB, FKC, FKD, FKF, FLV, GKA, GKB, GKC, GKD, GKF, GLV, HKA, HKB, HKC, HKD, HKF, HLV, JKA, JKB, JKC, JKD, JKF & JLV.
Manchester	...	...	N, NA, NB, NC, ND, NE, NF, VM, VR, VU, XJ, ANA, ANB, ANC, AND, ANE, ANF, AVM, AVR, AVU, AXJ, BNA, BNB, BNC, BND, BNE, BNF, BVM, BVR, BVU, BXJ, CNA, CNB, CNC, CND, CNE, CNF, CVM, CVR, CVU, CXJ, DNA, DNB, DNC, DND, DNE, DNF, DVM, DVR, DVU, DXJ, ENA, ENB, ENC, END, ENE, ENF, EVM, EVR, EVU, EXJ, FNA, FNB, FNC, FND, FNE, FNF, FVM, FVR, FVU, FXJ, GNA, GNB, GNC, GND, GNE, GNF, GVM, GVR, Gvu, GXJ, HNA, HNB, HNC, HND, HNE, HNF, HVM, HVR, HVU, HXJ, JNA, JNB, JNC, JND, JNE, JNF, JVM, JVR, JVU & JXJ.
Merthyr Tydfil	...	...	HB & AHB.
Middlesbrough	...	...	DC & XG.
Newcastle-upon-Tyne	...	...	BB, TN, VK, ABB, ATN, AVK, BBB, BTN, BVK, CBB, CTN, CVK, DBB, DTN, DVK, EBB, ETN, EVK, FBB, FTN, FVK, GBB, GTN, GVK, HBB, HTN, HVK, JBB, JTN, JVK, KBB, KTN, KVK, LBB, LTN, LVK, MBB, MTN & MVK.
Newport (Mon.)	...	...	DW, ADW, BDW, CDW, DDW, EDW & FDW.
Northampton	...	...	NH, VV, ANH & AVV.
Norwich	...	...	CL, VG, ACL, AVG, BCL, BVG, CCL & CVG.
Nottingham	...	...	AU, TO, TV, AAU, ATO, ATV, BAU, BTO, BTV, CAU, CTO, CTV, DAU, DTO, DTV, EAU, ETO, ETV, FAU, FTO, FTV, GAU, GTO, GTV, HAU, HTO, HTV, JAU, JTO, JTV, KAU, KTO, KTV, LAU, LTO & LTV.
Oldham	...	...	BU, ABU, BBU, CBU, DBU & EBU.
Oxford	...	...	FC, JO, WL, AFC, AJO, AVL, BFC, BJO, BWL, CFC, CJO, CWL, DFC, DJO, DWL, EFC, EJO, EWL, FFC, FJO, FWL, GFC, GJO, GWL, HFC, HJO, HWL, JFC, JJO, JWL, KFC, KJO, KWL, LFC, LJO, LWL, MFC, MJO, MWL, NFC, NJO & NWL.
Plymouth	...	...	CO, DR, JY, ACO, ADR, AJY, BCO, BDR, BJY, CCO, CDR, CJY, DCO, DDR, DJY, ECO, EDR & EJY.
Portsmouth	...	...	BK, RV, TP, ABK, ARV, ATP, BBK, BRV, BTP, CBK, CRV, CTP, DBK, DRV, DTP, EBK, ERV & ETP.
Preston	...	...	CK, RN, ACK, ARN, BCK & BRN.
Reading	...	...	DP, RD, ADP, ARD, BDP, BRD, CDP, CRD, DDP & DRD.
Rochdale	...	...	DK, ADK, BDK, CDK, DDK, EDK, FDK, GDK & HDK.

Council of the County
Borough of—*cont.*

Rotherham	...	ET, AET, BET, CET, DET, EET, & FET.
St. Helens	...	DJ.
Salford	...	BA, RJ, ABA, ARJ, BBA, BRJ, CBA, CRJ, DBA & DRJ.
Sheffield	...	W, WA, WB, WE, WJ, AWA, AWB, AWE, AWJ, BWA, BWB, BWE, BWJ, CWA, CWB, CWE, CWJ, DWA, DWB, DWE, DWJ, EWA, EWB, EWE, EWJ, FWA, FWB, FWE, FWJ, GWA, GWB, GWE, GWJ, HWA, HWB, HWE, HWJ, JWA, JWB, JWE, JWJ, KWA, KWB, KWE, KWJ, LWA, LWB, LWE & LWJ.
Smethwick	...	HA, AHA, BHA, CHA, DHA, EHA, FHA, GHA, HHA, JHA, KHA & LHA.
Southampton	...	CR, OW, TR, ACR, AOW, ATR, BCR, BOW, BTR, CCR, COW, CTR, DCR, DOW, DTR, ECR, EOW, ETR, FCR, FOW, FTR, GCR, GOW & GTR.
Southend-on-Sea	...	HJ, JN, AHJ, AJN, BHJ, BJN, CHJ, CJN, DHJ & DJN.
Southport	...	FY, WM, AFY, AWM, BFY, BWM, CFY, CWM, DFY, DWM, EFY, EWM, FFY, FWM, GFY & GWM.
South Shields	...	CU.
Stockport	...	DB, JA, ADB, AJA, BDB, BJA, CDB, CJA, DDB & DJA.
Stoke-on-Trent	...	EH, VT, AEH, AVT, BEH, BVT, CEH, CVT, DEH, DVT, EEH, EVT, FEH, FVT, GEH, GVT, HEH, HVT, JEH, JVT, KEH, KVT, LEH, LVT, MEH, MVT, NEH & NVT.
Sunderland	...	BR & GR.
Swansea	...	CY, WN, ACY, AWN, BCY, BWN, CCY, CWN, DCY, DWN, ECY, EWN, FCY & FWN.
Tynemouth	...	FT.
Wakefield	...	HL, AHL, BHL & CHL.
Wallasey	...	HF, AHF & BHF.
Walsall	...	DH, ADH, BDH, CDH, DDH, EDH, FDH, GDH, HDH, JDH, KDH & LDH.
Warrington	...	ED, AED, BED, CED, DED, EED & FED.
West Bromwich	...	EA, AEA, BEA & CEA.
West Ham	...	AN, JD, AAN, AJD, BAN, BJD, CAN & CJD.
West Hartlepool	...	EF.
Wigan	...	EK & JP.
Wolverhampton	...	DA, JW, UK, ADA, AJW, AUK, BDA, BJW, BUK, CDA, CJW, CUK, DDA, DJW, DUK, EDA, EJW, EUK, FDA & FJW.
Worcester	...	FK, AFK & BFK.
York	...	DN, VY, ADN, AVY, BDN, BVY, CDN, CVY, DDN & DVY.

County Council of—

Aberdeen	...	AV, SA, AAV, ASA, BAV & BSA.
Angus	...	SR, ASR, BSR & CSR.
Argyll	...	SB.
Ayr	...	AG, CS, SD, AAG, ACS, ASD, BAG, BCS & BSD.

County Council of—*cont.*

Banff	...	...	SE.
Berwick	...	...	SH.
Bute	...	...	SJ.
Caithness	...	...	SK.
Clackmannan	...	...	SL.
Dumfries	...	...	SM, ASM, BSM, CSM, DSM, ESM, FSM & GSM.
Dunbarton	...	...	SN, ASN, BSN, CSN, DSN, ESN & FSN.
East Lothian	...	...	SS.
Fife	...	...	FG, SP, AFG, ASP, BFG, BSP, CFG, CSP, DFG, DSP, EFG, ESP, FFG & FSP.
Inverness	...	...	ST, AST & BST.
Kincardine	...	...	SU.
Kinross	...	...	SV.
Kirkcudbright	...	...	SW.
Lanark	...	...	V, VA, VD, AVA, AVD, BVA, BVD, CVA & CVD.
Midlothian	...	...	SY.
Moray	...	...	SO.
Nairn	...	...	AS.
Orkney	...	...	BS.
Peebles	...	...	DS.
Perth	...	...	ES, GS, AES & AGS.
Renfrew	...	...	HS, AHS, BHS, CHS & DHS.
Ross and Cromarty	...	...	JS.
Roxburgh	...	...	KS.
Selkirk	...	...	LS.
Stirling	...	...	MS, WG, AMS, AWG, BMS & BWG.
Sutherland	...	...	NS.
West Lothian	...	...	SX.
Wigtown.	...	...	OS.
Zetland	...	...	PS.

Council of the Burgh
of—

Aberdeen	...	...	RG, RS, ARG, BRG, BRS, CRG & CRS.
Dundee	...	...	TS & YJ.
Edinburgh	...	...	FS, S, SC, SF, SG, WS, AFS, ASC, ASF, ASG, AWS, BFS, BSC, BSF, BSG, BWS, CFS, CSC, CSF, CSG, CWS, DFS, DSC, DSF, DSG, DWS, EFS, ESC, ESF, ESG, EWS, FFS, FSC, FSF, FSG & FWS.
Glasgow	...	...	G, GA, GB, GD, GE, GG, US, YS, AGA, AGB, AGD, AGE, AGG, AUS, AYS, BGA, BGB, BGD, BGE, BGG, BUS, BYS, CGA, CGB, CGD, CGE, CGG, CUS, CYS, DGA, DGB, DGD, DGE, DGG, DUS, DYS, EGA, EGB, EGD, EGE, EGG, EUS, EYS, FGA, FGB, FGD, FGE, FGG, FUS & FYS.
Greenock	...	...	VS.
Motherwell and Wishaw	...	...	GM.
Paisley	...	...	XS. [898]

FOURTH SCHEDULE

Diagram No. 1*Diagram No. 2*

The alternative diagrams above are specimen identification marks.

Provisions to be complied with

1. The index mark and registration number of the vehicle must be arranged in conformity with the arrangement of letters and figures on one or other of the diagrams.

2.—(i) Unless the identification mark is so constructed that it can be illuminated by transparency or translucency, it must be indelibly inscribed in white upon a black surface and no letter or figure shall be capable of being detached from such surface, provided that it shall not be an infringement of these Regulations if the letters or figures are made separately and either welded or firmly riveted on to such surface. If the letters and figures are exhibited on a flat plate, the plate may be constructed of cast or pressed metal having raised letters and figures.

(ii) If the identification mark is so constructed and used that it is illuminated by transparency or translucency, the letters and figures must all, when so illuminated during the hours of darkness, as defined by subsection (4) of section 1 of the Road Transport Lighting Act, 1927, appear, in the case of the front identification mark, white, and in the case of the rear identification mark either white or red; if they appear red no other lamp showing to the rear a red light as required by section 1 of the last-mentioned Act need be carried. At all other times the letters and figures shall appear white against a black background.

3. The identification mark may, at the option of the owner, be displayed in either of the shapes shown in the diagrams.

4. All letters and figures must be three and a half inches high, every part of every letter and figure must be five-eighths of an inch broad; and the total width

of the space taken by every letter or figure, except in the case of the figure 1, must be two and a half inches.

5. The space between adjoining letters and between adjoining figures must be half-an-inch, and there must be a margin between the nearest part of any letter or figure and the top or bottom of the black surface upon which the identification mark is inscribed of at least half-an-inch, and between the nearest part of any letter or figure and the sides of the black surface of at least one inch.

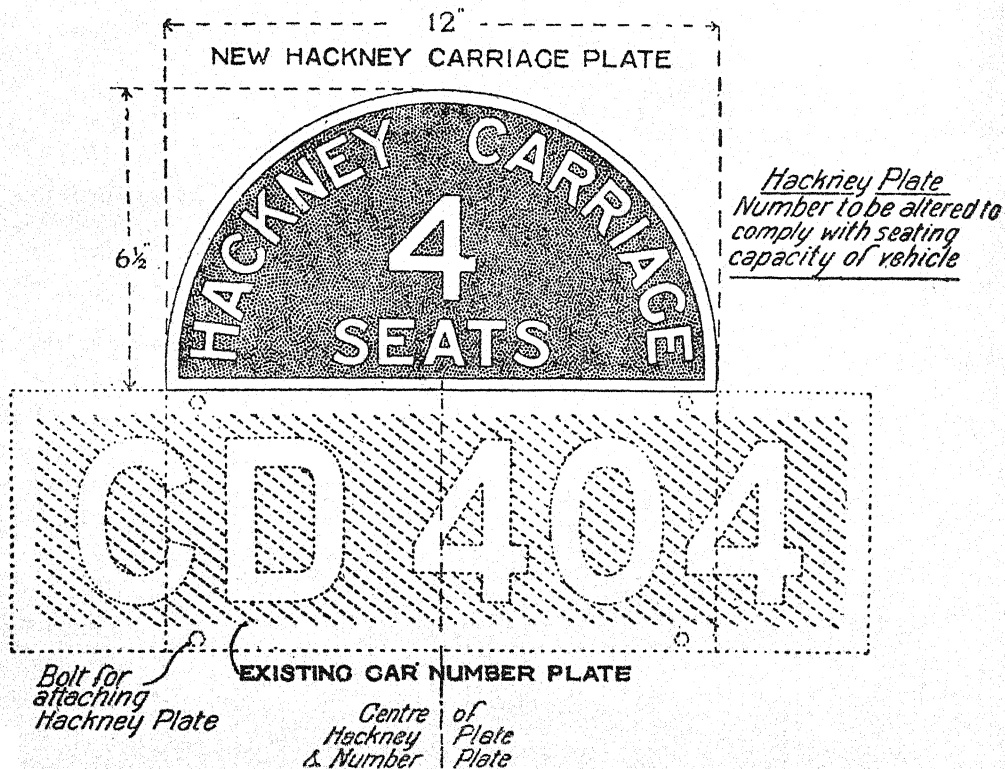
6. Where the identification mark is arranged in accordance with diagram No. 1, the space between the upper and lower line must be three-quarters of an inch. Where the identification mark is arranged in accordance with diagram No. 2, the space between the letters and the figures must be one and a half inches.

Provided that in the case of invalid carriages of a weight unladen not exceeding five cwt., and motor bicycles, as regards the plate bearing the identification mark fixed on the front of the vehicle, the dimensions prescribed in paragraphs 4, 5 and 6 hereof may be halved ; and as regards the plate bearing the identification mark fixed at the rear of the vehicle the following requirements may be complied with in substitution for those prescribed in paragraphs 4, 5 and 6 hereof :—

- (i) All letters and figures must be two and a half inches high ; every part of every letter and figure must be three-eighths of an inch broad ; and the total width of the space taken by every letter or figure, except in the case of the figure 1, must be one and three-quarter inches.
- (ii) The space between adjoining letters and between adjoining figures must be half-an-inch, and there must be a margin between the nearest part of any letter or figure and the top, bottom and sides of the black surface upon which the identification mark is inscribed of at least half-an-inch.
- (iii) Where the identification mark is arranged in accordance with diagram No. 1, the space between the upper and lower line must be half-an-inch. Where the identification mark is arranged in accordance with diagram No. 2, the space between the letters and the figures must be one inch. [899]

FIFTH SCHEDULE

Diagram of mark for hackney vehicles showing details of shape, size and position relative to the identification mark and additional details when the mark is carried on a plate attached to an identification mark carried on a plate.



The diagram above is a specimen plate drawn approximately to the scale of one-fourth.

Provisions to be complied with

1. The Hackney Carriage mark is to be approximately semicircular in shape and of the size shown upon the foregoing diagram and is to be placed next to the upper edge of the rear identification mark as shown in the diagram upon a flat plate or upon a flat surface forming part of the vehicle.
2. The border, letters and figures of the mark must be indelibly inscribed in white upon a black surface and no letter or figure shall be capable of being detached from such surface. If they are inscribed upon a plate the plate may be of cast or pressed aluminium having raised border, letters and figures.
3. The width of the surrounding border must be $\frac{1}{4}$ inch, the depth of all letters 1 inch, and the width of face of letters $\frac{3}{8}$ inch; the numerals must be $2\frac{1}{4}$ inches in height of proportional width and $\frac{3}{8}$ inch width of face.
4. The Hackney Carriage mark is to be so displayed upon the vehicle as to be substantially in the same vertical plane as the rear identification mark and be at all times clearly visible and unobstructed by car equipment or otherwise.
5. A number indicating the seating capacity of the vehicle is to be disposed in the central position occupied by the figure "4" in the diagram. [900]

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THE MOTOR VEHICLES (INTERNATIONAL CIRCULATION) REGULATIONS, 1941

S. R. & O., 1941, No. 1219

August 6, 1941

Whereas by Section 13 of the Finance Act, 1920, as amended by subsequent enactments certain duties of excise are made chargeable in respect of mechanically-propelled vehicles used on public roads in Great Britain and it is enacted that the Minister of War Transport (hereinafter called "the Minister") may make regulations providing for the total or partial exemption for a limited period from the duty payable under that section of any vehicle brought into Great Britain by persons making only a temporary stay in Great Britain.

And whereas by the Roads Act, 1920, provision was made for the levying of the said duties by County Councils and it was enacted that the Minister might make regulations for extending any provisions as to registration and provisions incidental to any such provisions to any vehicles in respect of which duty under Section 13 of the Finance Act, 1920, is not payable and for providing for the identification of any such vehicles and otherwise for the purpose of carrying that Act into effect.

And whereas the Minister has by the Road Vehicles (Registration and Licensing) Regulations, 1941, made regulations so far as relates to Great Britain for the purpose of carrying the said Roads Act, 1920, into effect.

And whereas by the Motor Car (International Circulation) Order, 1930, it is provided that the Minister may make regulations as to the application by persons resident abroad and intending to make only a temporary stay in the United Kingdom for the issue of licences to drive motor cars of the types specified in their International Driving Permits, and as to the application by such persons for the registration of vehicles brought temporarily into the United Kingdom and the allocation of identification marks and the issue of International Circulation Permits in respect of such vehicles.

Now, therefore, the Minister, in exercise of the powers conferred upon him by the Ministers of the Crown (Minister of War Transport) Order, 1941, the Finance Act, 1920, the Roads Act, 1920, and the Motor Car (International Circulation) Order, 1930, and of all other powers enabling him in this behalf hereby, without prejudice to any further exercise of the said powers, makes and prescribes the following Regulations.

1. These Regulations may be cited as the Motor Vehicles (International Circulation) Regulations, 1941, and shall come into force on the Twenty-second day of August, 1941. [901]
2. The Motor Vehicles (International Circulation) Regulations, 1933, and all Regulations amending them are hereby revoked. [902]
3. In these Regulations—

The expression "Registration Authority" means the Royal Automobile Club, the Automobile Association, the Royal Scottish Automobile Club or the London County Council.

The expression "Council" means County Council as defined in the Roads Act, 1920.

The expression "International Certificate for Motor Vehicles" means an International Certificate for Motor Vehicles issued in accordance with Articles 3 and 4 of the International Convention

relative to motor traffic concluded at Paris on the 24th day of April, 1926, and the expression "International Driving Permit" means an International Driving Permit issued in accordance with Articles 6 and 7 of that Convention.

The expression "Fiscal Permit" means a Fiscal Permit issued in accordance with Article 3 of the Convention on the taxation of foreign motor vehicles concluded at Geneva on the 30th day of March, 1931 (hereinafter referred to as "the 1931 Convention").

The expression "Local Taxation Officer" means any selected officer of the Council to whom powers or duties similar to those exercisable or performed by officers of Customs and Excise have been delegated by the Council.

The expression "Owner" means the person by whom the vehicle is kept and used. [903]

4.—(i) Any person making only a temporary stay in the United Kingdom who brings a motor vehicle (other than a heavy locomotive, light locomotive or motor tractor, as defined in the Road Traffic Act, 1930, or a vehicle used for the carriage of passengers for hire or reward or for the conveyance of goods) into the United Kingdom and who desires to obtain an International Circulation Permit under these Regulations in respect of that vehicle shall apply to a Registration Authority by means of an application in the Form A set out in the First Schedule hereto. If the applicant is the holder of an International Certificate for motor vehicles he shall forward such certificate and if the vehicle in respect of which the application is made is registered in a country (other than a country specified in the Fourth Schedule to these Regulations) which has ratified the 1931 Convention he shall forward a Fiscal Permit with his application.

Provided that for the purpose of this Regulation a caravan shall not be deemed to be a vehicle used for the conveyance of goods if it is not used for the conveyance of goods or burden in the course of trade.

(ii) No such person, whether he is the holder of a Fiscal Permit or not, shall be exempt from duty under the provisions of Regulation 19 hereof unless he is the holder of an International Circulation Permit. [904]

5.—(i) International Circulation Permits shall be in the Form B set out in the Second Schedule hereto.

(ii) The International Circulation Permit shall be carried upon the vehicle in like manner as if it were a Licence issued under the Roads Act, 1920; and the Road Vehicles (Registration and Licensing) Regulations, 1941, and the provisions of paragraphs (2) and (3) of Regulation 4 of those Regulations and the Second Schedule thereto shall apply accordingly.

(iii) A Registration Authority may, if they think fit, supply to the person to whom an International Circulation Permit is issued if he so desires a holder therefor and make a charge for it. [905]

6. A Registration Card containing such particulars relative to the vehicle in respect of which it is issued, as the Minister may from time to time direct, shall be issued to every owner of a motor vehicle in respect of which an International Circulation Permit is issued. The Registration Card shall be produced for inspection by the owner at any reasonable time upon request by a Police Officer or Local Taxation Officer. [906]

7.—(i) No person shall deface or mutilate any International Circulation Permit or Registration Card or alter or obliterate any entry made therein or make any addition thereto, or make or exhibit any colourable imitation thereof.

(ii) If an International Circulation Permit or Registration Card issued by a Registration Authority under these Regulations has been lost, destroyed, or accidentally defaced, the owner of the vehicle shall apply to the Registration Authority for the issue to him of a duplicate Permit or Registration Card, as the case may be, and the Registration Authority upon being satisfied as to such loss, destruction or defacement and, where the Permit or Registration Card has been accidentally defaced, upon the surrender of the Permit or Registration Card so defaced, shall issue a duplicate so marked on payment of a fee of five shillings, and a duplicate so issued shall have the same effect as the original Permit or Registration Card. [907]

8. Upon receipt by a Registration Authority of an application duly made in accordance with the provisions of Regulation 4 (i) hereof for an International Circulation Permit the Registration Authority to whom such application is made shall, if they are satisfied that the owner is making only a temporary stay in the United Kingdom and that the vehicle in respect of which the application is made has been brought by the owner into the United Kingdom—

- (i) issue to the owner an International Circulation Permit.
- (ii) enter thereon before issue thereof—
 - (a) the index mark and registration number of the vehicle ;
 - (b) the date to which the International Circulation Permit is valid ; and
 - (c) a stamp or other sufficient mark indicating the name of the Registration Authority by whom the Permit is issued and the date of issue ;
- (iii) prepare and issue to such owner the Registration Card with the appropriate particulars entered thereon ; and
- (iv) retain the application, and (unless the Registration Authority be the London County Council) advise the London County Council of the issue of such Permit.

Provided that no International Circulation Permit shall be issued by a registration authority unless and until there has been produced to, or issued by, that authority in respect of the vehicle aforesaid, a certificate of insurance, certificate of security or certificate of foreign insurance within the meaning of the Road Traffic Act, 1930, and any Regulations made thereunder and valid for the period of the Permit for which application has been made. [908]

9. The identification mark of a vehicle in respect of which an International Circulation Permit is issued shall be—

- (i) in the case of a vehicle registered in a country which is a party to the International Circulation Convention brought into the United Kingdom by a person holding a valid International Certificate for Motor Vehicles issued in respect of such vehicle by that country, the identification mark allotted to the vehicle by that country ; and
- (ii) in the case of any other vehicle an index mark consisting of the letters QQ, QA, QC or QS and a registration number assigned by the Registration Authority issuing the Permit. [909]

10.—(i) An identification mark as prescribed in the preceding Regulation shall be carried by a vehicle in respect of which an International Circulation Permit has been issued, and shall be exhibited in like manner as if it were an identification mark assigned under the Roads Act, 1920 ; and subject as hereinafter provided in paragraph (ii) hereof Regulations 21, 22, 23 and 25

of the Road Vehicles (Registration and Licensing) Regulations, 1941, and the Fourth Schedule thereto shall apply accordingly.

(ii) If the identification mark or the plates on which it is exhibited do not conform as to form, colour, dimensions, lettering, numbering or otherwise with the provisions set out in the said Fourth Schedule, they shall conform in those respects with the law of the country by which the identification mark of such vehicle was allotted, except that in all cases the letters shall be in Roman characters, and the figures in ordinary European numerals.

(iii) A Registration Authority who assigns an identification mark to a vehicle under these Regulations may, if they think fit, supply to the owner of such vehicle, if he so desires, plates bearing the identification mark of the vehicle inscribed thereon and make a charge for them. [910]

11. Each Registration Authority shall establish and maintain in such form as the Minister may direct records of vehicles in respect of which International Circulation Permits are issued and a record of licences to drive such vehicles issued under these Regulations. [911]

12. An International Circulation Permit shall be valid for such period not exceeding 90 days from the date upon which the vehicle in respect of which such Permit is issued was last brought into the United Kingdom, or, in the case of a vehicle which is already circulating in the United Kingdom under an International Circulation Permit duly issued on presentation of a Fiscal Permit, from the date of expiration of that International Circulation Permit, as may be specified therein : Provided that—

- (a) except in the case of a vehicle entering the United Kingdom with a Fiscal Permit, the aggregate of all periods for which International Circulation Permits are granted to any person between the first day of January and the last day of December in any year shall not exceed 90 days ;
- (b) in the case of a vehicle entering the United Kingdom with a Fiscal Permit the aggregate of all periods for which International Circulation Permits are granted in respect of that vehicle during the 12 months next ensuing after the date of issue of the Fiscal Permit shall not exceed 90 days. [912]

13. If a vehicle in respect of which an International Circulation Permit has been issued is broken up or destroyed or is sold or otherwise transferred to some person other than the person to whom such Permit was issued during the period for which such Permit is valid the person to whom such Permit was issued shall forthwith inform the Registration Authority by whom the Permit was issued of such breaking up, destruction, sale or other transfer, and in the case of a sale or other transfer of the name and address of the person to whom the vehicle has been so sold or transferred, and shall at the same time, surrender to the said Registration Authority the Permit and Registration Card issued in respect of the said vehicle ; and the Registration Authority (unless the Registration Authority be the London County Council) shall advise the London County Council of the surrender of such Permit. [913]

14. On the expiry of an International Circulation Permit or if before such expiry the vehicle in respect of which the Permit has been issued is about to be removed from the United Kingdom the person to whom such Permit was issued shall forthwith or before such vehicle is so removed as aforesaid, as the case may be, surrender the Permit and Registration Card to the Registration Authority by whom such Permit and Card were issued ; and the Registration Authority (unless the Registration Authority be the

London County Council) shall forthwith advise the London County Council of the surrender of such Permit. [914]

15. When any vehicle in respect of which an International Circulation Permit has been issued is broken up or destroyed or removed from the United Kingdom or sold or otherwise transferred from the owner to some person in the United Kingdom, the identification mark assigned to the vehicle under Regulation 9 (ii) hereof shall become void : Provided that—

- (i) if the person to whom the said Permit is issued shall at any time within three years after the date of issue of such Permit apply for another Permit in respect of the same vehicle the said identification mark may be assigned to such vehicle ; and
- (ii) nothing herein contained shall render such identification mark invalid for the purposes of an International Certificate for Motor Vehicles issued in the United Kingdom for travelling in other countries.

[915]

16. At any time during the period of validity of his International Circulation Permit any person may surrender such Permit to the Registration Authority by whom it was issued and such Permit shall thereupon cease to be valid. [916]

17. Upon receipt by a Registration Authority of an application under the Motor Car (International Circulation) Order, 1930, from the holder of a valid International Driving Permit, for the issue of a licence to drive a motor car in the United Kingdom that Registration Authority shall, if they are satisfied that the holder thereof is making only a temporary stay in the United Kingdom—

- (i) issue to him a licence in the Form C set out in the Third Schedule to these Regulations to drive a motor car or motor cars of the type or types specified in such International Driving Permit, and
- (ii) retain the application, and (unless the Registration Authority be the London County Council) advise the London County Council of the issue of such licence. [917]

18. Any officer authorised by a Registration Authority is empowered to perform any duty or exercise any power of the Registration Authority for the purpose of carrying these Regulations into effect. [918]

19. Any person who shall obtain an International Circulation Permit under, and shall otherwise comply with, these Regulations shall be exempt during the period for which such Permit is valid from the duty payable in Great Britain under section 13 of the Finance Act, 1920, as amended by subsequent enactments in respect of that vehicle. [919]

20.—(i) Any person to whom an International Circulation Permit has been issued in respect of a vehicle shall, before using that vehicle on public roads in Great Britain at any time after such Permit has ceased to be valid, apply for and obtain a licence under the Finance Act, 1920, as amended by the Roads Act, 1920, and subsequent enactments.

(ii) For the purposes of this Regulation the Road Vehicles (Registration and Licensing) Regulations, 1941, shall be modified as follows :—

- (a) if the owner satisfies the Council within whose area he is temporarily residing that the vehicle is not ordinarily kept within the area of any Council and that he has no principal place of business or permanent postal address in Great Britain, application for a licence may be made to the said Council and a licence issued by them.

- (b) The owner shall, together with his declaration, forward to the Council the International Circulation Permit (unless already surrendered to the Registration Authority) and Registration Card issued to him.
- (c) The Council (unless it be the London County Council) shall advise the London County Council and the Registration Authority by whom the International Circulation Permit was issued (if the Permit were not issued by the London County Council) of the receipt of the Permit, if received by them, and the issue of such licence by them.
- (d) The identification mark to be assigned by the Council shall if the person making application in pursuance of this Regulation so desire, be the identification mark of the vehicle under Regulation 9 hereof. Provided that at the expiration of one year from the date upon which the vehicle was last brought into Great Britain such identification mark shall become void and the Council shall assign a new identification mark in accordance with the Road Vehicles (Registration and Licensing) Regulations, 1941. [920]

21. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [921]

FIRST SCHEDULE

FORM A

DECLARATION AND APPLICATION FOR ISSUE OF INTERNATIONAL CIRCULATION PERMIT

I request that you will issue to me a Permit for the vehicle described below :—

1. Description of Vehicle (*e.g.* Motor Car, Motor Cycle, etc.).
2. Make of Vehicle.
3. Chassis Number.
4. Engine Number.
5. } Body of Car. { Shape.
6. } { Colour.
7. } { Number of Seats.
8. Letters and Numbers on the Identification Plates (if any).

I undertake to deliver up the Permit on or before its expiry to the Authority (Royal Automobile Club, Automobile Association, Royal Scottish Automobile Club or London County Council) by whom it was issued ; I declare that I intend to make only a temporary stay in the United Kingdom ; I understand that if I use the vehicle on public roads in the United Kingdom at any time when I hold no valid International Circulation Permit, I will become liable to the ordinary licence duty ; and I declare that I have held no International Circulation Permit during the last twelve months *except as follows* * :—

Where Issued.

Approximate Period for which used.

Signature of Owner.

Name in full (in Block Capitals).

Postal Address (if any) in the United Kingdom.

Home Address.

Port of Landing.

Date of Landing.

* Cross out words in italics if not applicable.

Notification of Address

I hereby authorise
 of
 whom I hereby undertake to keep notified of my address during my stay in the
 United Kingdom, to disclose such address at any time to any police officer or Local
 Taxation Officer on demand.

Signature of Owner.....

Notification of Address

I hereby authorise
 of
 whom I hereby undertake to keep notified of my address during my stay in the
 United Kingdom, to disclose such address at any time to any police officer or Local
 Taxation Officer on demand.

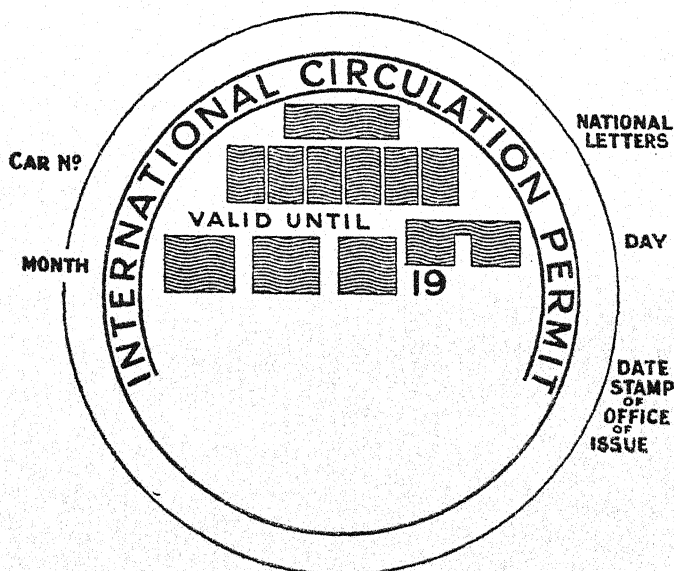
Signature of Owner

[922]

Duplicate authority for transmission to the person authorised.

SECOND SCHEDULE

FORM B.



[923]

THIRD SCHEDULE

FORM C

MOTOR CAR (INTERNATIONAL CIRCULATION) ORDER, 1930. MOTOR VEHICLES
(INTERNATIONAL CIRCULATION) REGULATIONS, 1941

*Licence to Person named in an International Driving Permit to drive a Motor
Vehicle*

..... (a)
of
..... (b)
is hereby licensed to drive a (c)
from the date of issue of this licence until
19..... (d) inclusive.

Date of issue

Signature of issuing officer

On behalf of

NOTE.—Particulars to be copied from International Driving Permit :—

(a) Full name of driver ;

(b) Home address of driver ;

(c) Type or types of motor vehicle specified in International Driving Permit.

At (d) insert the date of expiration of the International Driving Permit. (The date inserted in *this* licence must in no case be a date later than one year after the date of issue of this licence.) [924]

FOURTH SCHEDULE

Luxemburg, Switzerland, Spain, Belgium, Eire, The Isle of Man, Italy. [925]

* * * * *

NATIONAL HEALTH AND UNEMPLOY- MENT INSURANCE

	PAGE		PAGE
ORDERS, CIRCULARS, AND MEMO- RANDA :—		National Health Insurance (Employ- ment under Local and Public Authorities) Amendment Order, (No. 2), 1941 — — — —	367
National Health Insurance (Employ- ment under Local and Public Authorities) Amendment Order, 1941 — — — —	366		

ORDERS, CIRCULARS AND MEMORANDA

THE NATIONAL HEALTH INSURANCE (EMPLOYMENT UNDER LOCAL AND PUBLIC AUTHORITIES) AMEND- MENT ORDER, 1941 *

S. R. & O., 1941, No. 1650

May 13, 1941

510.

The National Health Insurance Joint Committee and the Minister of Health, acting jointly, in pursuance of the powers conferred by paragraph (d)

* This order having been laid before both Houses of Parliament in accordance with section 168 (6) of the National Health Insurance Act, 1936, came into force on August 6, 1941. It supersedes the National Health Insurance (Employment under Local and Public Authorities) Amendment Order, 1940 (S. R. & O. 1940, No. 1691).

of Part I of the First Schedule to the National Health Insurance Act, 1936, and of all other powers enabling them in that behalf, hereby make the following order :—

1.—(1) This order, which may be cited as the National Health Insurance (Employment under Local and Public Authorities) Amendment Order, 1941, shall be read as one with the National Health Insurance (Employment under Local and Public Authorities) Order, 1937 (hereinafter referred to as the “principal order”).

(2) This order shall not apply to Scotland or Northern Ireland. [926]

2. The following employment shall be added to the list of employments specified in the Schedule to the principal order :—

“Employment as clerk to a parish council, or other local or public authority, where personal service is ordinarily required only occasionally or outside the ordinary hours of work.” [927]

* * * * *

THE NATIONAL HEALTH INSURANCE (EMPLOYMENT UNDER LOCAL AND PUBLIC AUTHORITIES) AMENDMENT ORDER (No. 2), 1941

S. R. & O., 1941, No. 2093

December 29, 1941

535.

The National Health Insurance Joint Committee and the Minister of Health, acting jointly, hereby certify under subsection (7) of section 168 of the National Health Insurance Act, 1936, that it is expedient that this order should come into operation forthwith, and in pursuance of the powers conferred by paragraph (d) of Part I of the First Schedule to that Act and of all other powers enabling them in that behalf, hereby make the following order to come into operation forthwith as a provisional order :—

1.—(1) This order, which may be cited as the National Health Insurance (Employment under Local and Public Authorities) Amendment Order (No. 2), 1941, shall be read as one with the National Health Insurance (Employment under Local and Public Authorities) Order, 1937, as subsequently amended (hereinafter referred to as “the principal order”).

(2) This order shall not apply to Scotland or Northern Ireland. [928]

2. The following employment shall be added to the list of employments specified in the schedule to the principal order :—

“Employment as educational organiser in contributory service within the meaning of the Teachers (Superannuation) Act, 1925.” [929]

* * * * *

NUISANCES

ORDERS, CIRCULARS AND MEMORANDA :

Defence (General) Regulations, Regulation 54AA - - - - - PAGE

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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL ADDING REGULATION 54AA TO THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1940, No. 1032

June 19, 1940

At the Court at Buckingham Palace, the 19th day of June, 1940.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered that after Regulation fifty-four A of the Defence (General) Regulations, 1939, there shall be inserted the following Regulation :—

54AA.—(1) If a competent authority is satisfied that in the interests of the defence of the realm or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community, it is necessary that any undertaking engaged or proposing to engage in essential work should be permitted to carry on such work notwithstanding any provision of any enactment specified in paragraph (3) of this Regulation, the competent authority may, with the consent of the Minister of Health, by order suspend during the continuance in force of this Regulation or for such less period as may be specified in the order the operation of that provision with respect to the carrying on of that work by that undertaking either unconditionally or subject to such conditions as may be specified in the order.

(2) Where by virtue of an order made under this Regulation the operation of any provision of any enactment is suspended with respect to the carrying on of any work by any undertaking subject to conditions specified in the order no proceedings for the enforcement of that provision shall be instituted by reason of any breach of any such condition without the consent of the competent authority by which the order was made :

Provided that this paragraph shall not apply to proceedings for the enforcement of any provision for the enforcement of which the institution of proceedings without the consent of the Minister of Health is prohibited by any enactment.

(3) The enactments referred to in paragraph (1) of this Regulation are the Rivers Pollution Prevention Act, 1876, the Alkali, &c., Works Regulation Act, 1906, section eight of the Salmon and Fresh Water Fisheries Act, 1923, Part III of the Public Health Act, 1936, the following provisions of the Public Health (London) Act, 1936, that is to say :—section eighty-two, Part IV, Part V, subsection (5) of section two hundred and eighty-two and the Fifth Schedule, and any byelaw made under either of the two last mentioned Acts.

(4) In this Regulation the following expressions have the meanings hereby respectively assigned to them, that is to say—

“Competent authority” means a Secretary of State, the Admiralty, the Minister of Supply and the Minister of Aircraft Production ;

“ Essential work ” means work appearing to a competent authority to be essential for the defence of the realm or the efficient prosecution of the war or to be essential to the life of the community ;

“ Undertaking ” means any public utility undertaking or any undertaking by way of trade or business.

(5) This Regulation shall in its application to Scotland have effect as if :—

(a) for any reference to the Minister of Health there were substituted a reference to the Secretary of State for Scotland.

(b) for the proviso to paragraph (2) there were substituted the following proviso—

“ Provided that this paragraph shall not apply to proceedings by, or on behalf of, the Lord Advocate or proceedings for the enforcement of any provision for the enforcement of which the institution of proceedings without the consent of the Secretary of State is prohibited by any enactment.” ; and

(c) for paragraph (3) there were substituted the following paragraph—

(3) The enactments referred to in paragraph (1) of this Regulation are the Smoke Nuisance (Scotland) Act, 1857, section sixty-five of the Tweed Fisheries Act, 1857, section thirteen of the Salmon Fisheries (Scotland) Act, 1862, the Smoke Nuisance (Scotland) Act, 1865, the Rivers Pollution Prevention Act, 1876, section three hundred and eighty-four of the Burgh Police (Scotland) Act, 1892, sections sixteen to thirty-seven and section one hundred and forty-six of the Public Health (Scotland) Act, 1897, any byelaw made under that Act and any byelaw for sanitary purposes made under section three hundred and sixteen of the Burgh Police (Scotland) Act, 1892, the Alkali, &c. Works Regulation Act, 1906.

(6) This Regulation shall not extend to Northern Ireland. [930]

* * * * *

OFFICERS OF LOCAL AUTHORITIES

ORDERS, CIRCULARS AND MEMORANDA :—	PAGE	CASES :—	PAGE
Defence (General) Regulations, Regulation 60D amended	— — 369	R. v. National Arbitration Tribunal, <i>Ex p. Bolton Corpn.</i> , [1941] 2 K. B. 405 ; [1941] 2 All E. R. 800	— 370

ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL . . . AMENDING REGULATION . . . 60D . . . OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1597

* * * * *

5. At the end of Regulation sixty D of the principal Regulations there shall be added the following paragraph :—

“ (2) A woman who, having been a British subject, has by, or in consequence of, her marriage become an alien, may, during the continuance in

force of this Regulation, be treated for the purpose of temporary employment in a civil capacity under the Crown as if she had not ceased to be a British subject." [931]

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CASES

Trade and Trade Unions—Settlement of Trade Differences and Disputes—Reference to National Arbitration Tribunal—"Trade Dispute"—"Workman"—*Industrial Courts Act, 1919* (c. 69), s. 8—*Local Government Staffs (War Service) Act, 1939* (c. 94), s. 1—*Emergency Powers (Defence) Act, 1939* (c. 62), s. 1 (4)—*Emergency Powers (Defence) Act, 1940* (c. 20)—*Defence (General) Regulations, 1939* (S. R. & O., 1940, No. 1217), reg. 58AA—*Conditions of Employment and National Arbitration Order, 1940* (S. R. & O., 1940, No. 1305), Art. 2.

By the Conditions of Employment and National Arbitration Order, 1940, Art. 2, the Minister of Labour and National Service is given power to refer any "trade dispute" to the National Arbitration Tribunal for settlement. Purporting to act under this power, the Minister referred to arbitration a claim by the National Association of Local Government Officers that it should be a condition of service of the officers in the employment of a certain local authority that, in the event of their being called upon to serve in His Majesty's Forces or in the civil defence units, the difference between their pay in the Forces and the remuneration which they would have received if they had continued in the service of the local authority should be made up to them. The local authority applied for an order prohibiting the arbitration tribunal from adjudicating upon the dispute, on the ground that there was no "trade dispute" within the meaning of that term as used in the order:—

Held : (i) the Local Government Staffs (War Service) Act, 1939, s. 1, confers a discretionary power upon local authorities to make up the pay of their officers after being called up for service, and the time for the exercise of the discretion is when an employee ceases to be in the service of a local authority and joins His Majesty's Forces ;

(ii) an order of any other authority which purported to deprive a local authority of that discretion would be illegal. The order of prohibition applied for ought to be made.

(*Per* Bennett, J.) : the dispute between the Bolton Corporation and the National Association of Local Government Officers is not a trade dispute within the meaning of reg. 58AA. The Minister, therefore, had no power to refer it to the tribunal, and the tribunal had no jurisdiction to adjudicate upon it.

Decision of the Divisional Court (Viscount Caldecote, L.C.J., and Tucker, J., Atkinson, J., dissenting) ([1941] 1 K.B. 584; [1941] 1 All E. R. 413) reversed.—*R. v. NATIONAL ARBITRATION TRIBUNAL, Ex parte BOLTON CORPN.*, [1941] 2 K. B. 405; [1941] 2 All E. R. 800; 110 L. J. (K. B.) 622; 105 J. P. 415; 57 T. L. R. 644; 39 L. G. R. 299, C. A. [932]

OPEN SPACES

ORDERS, CIRCULARS AND MEMORANDA :—

Malvern Hills Conservators (Temporary Provisions) Order, 1941 - - - PAGE 371

ORDERS, CIRCULARS AND MEMORANDA

THE MALVERN HILLS CONSERVATORS (TEMPORARY PROVISIONS) ORDER, 1941

S. R. & O., 1941, No. 1600

October 10, 1941

At the Court at Buckingham Palace, the 10th day of October, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas on an application made on behalf of the Malvern Hills Conservators provision was made by the Malvern Hills Conservators (Temporary Provisions) Order, 1940, under section two of the Chartered and Other Bodies (Temporary Provisions) Act, 1939, for extending the term of office and postponing the election of the elected Conservators mentioned in that Order until the first day of November nineteen hundred and forty-one, and for incidental and consequential matters :

And whereas application has been made on behalf of the said Conservators praying that His Majesty may be graciously pleased to make a further Order in Council under the said section two with respect to the said elected Conservators :

Now, therefore, His Majesty, in pursuance of the powers conferred upon him by the said section two, and of all other powers enabling him in that behalf is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. The Malvern Hills Conservators (Temporary Provisions) Order, 1940, shall have effect with the substitution for references to the first day of November, nineteen hundred and forty-one, of references to the first day of November, nineteen hundred and forty-three, and with the substitution in paragraph (3) of Article 1 of the said Order (which relates to the period of office of the Conservators to be elected at the next elections) for the words "one year" of the words "two years". [933]

2. This Order may be cited as the Malvern Hills Conservators (Temporary Provisions) Order, 1941. [934]

* * * * *

PERSONS OF UNSOUND MIND

ORDERS, CIRCULARS AND MEMORANDA :—	PAGE	Mental Nurses (Employment and Offences) Order, 1941	PAGE
Defence (General) Regulations, Regulations 32AB	372	—	373

ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL ADDING REGULATION 32AB TO . . . THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1087

July 24, 1941

At the Court at Buckingham Palace the 24th day of July, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

* * * * *

2. After Regulation thirty-two AA of the Defence (General) Regulations 1939 there shall be inserted the following Regulation :—

“ 32AB.—(1) The Minister of Health, if he considers it expedient so to do in the interest of the public safety or the maintenance of public order, or for maintaining supplies and services essential to the life of the community, may make in relation to persons employed as nurses or in any similar capacity in mental institutions (not being persons so employed without remuneration) any such order as may be made by the appropriate authority under paragraph (1) or paragraph (1A) of Regulation twenty-nine B of these Regulations in relation to persons employed in the services or capacities specified in that Regulation, and the provisions of that Regulation shall apply in relation to any order so made as they apply in relation to an order made thereunder.

(2) In this Regulation the expression ‘ mental institution ’ means an institution as defined in Regulation thirty-two A of these Regulations.

(3) This Regulation shall in its application to Scotland have effect as if for the reference to the Minister of Health there were substituted a reference to the Secretary of State.” [935]

* * * * *

**THE MENTAL NURSES (EMPLOYMENT AND OFFENCES)
ORDER, 1941***S. R. & O., 1941, No. 1294**August 25, 1941*

103,234.

The Minister of Health, in pursuance of the powers conferred on him by Regulation 32AB of the Defence (General) Regulations, 1939, hereby orders as follows :—

1. Subject as hereinafter provided, any person who is on or after the date of this Order employed as a nurse in a mental institution to which this Order applies, being an institution in which the recognised rates of pay and conditions of service, or rates and conditions such that the rates of pay are not in any case less and the conditions of service are not in any respect more onerous than the recognised rates of pay and conditions of service, are paid and observed, is required to continue in such employment until his services are dispensed with in accordance with the provisions of this Order.

The expression “recognised rates of pay and conditions of service” means the rates of pay and conditions of service recommended by the Joint Conciliation Committee of the Mental Hospital and Institutional Workers’ Union and the Mental Hospital Association by recommendations dated the 1st July, 1941. [936]

2. The services of any person employed as aforesaid may be dispensed with—

- (i) in a case where the person has given notice of his desire that his services should be dispensed with, by the person in charge of the mental institution in which he is employed or by the Chairman of the Board of Control, or
- (ii) in any other case, under and in accordance with the provisions of any statute, statutory rule or contract of service relating to the employment or with any rule of law, by the authority or person having power to terminate the employment. [937]

3. Subject as hereinafter provided, paragraph (1A) of Regulation 29B of the said Regulations (which paragraph relates to disobedience to lawful orders and absence from duty) shall apply to any person employed as aforesaid. [938]

4. This Order shall not apply to a person who is employed without remuneration or to a person who is not continuously employed whole-time or to a nurse who has not for the time being completed twelve months’ service in the aggregate in one or more of the mental institutions to which this Order applies. [939]

5. The mental institutions to which this Order applies are institutions within the meaning of the Mental Treatment Act, 1930, and institutions and certified houses within the meaning of the Mental Deficiency Act, 1913, other than institutions approved under section 37 of that Act. [940]

6. This Order may be cited as the Mental Nurses (Employment and Offences) Order, 1941, and shall come into force upon the date hereof. [941]

* * * * *

POISONS

See FOOD AND DRUGS.

POLICE

See, also, AIR RAID PRECAUTIONS.

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ployment and Offence) Order,		Swindon Corpn. v. Herbert, [1942]	
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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL ADDING REGULATION . . . 60DA TO THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1038

July 18, 1941

* * * *

6. After Regulation sixty D of the principal Regulations there shall be inserted the following Regulation :—

“60DA.—(1) The Police and Firemen (War Service) Act, 1939, shall be amended in the manner specified in the following paragraphs of this Regulation.

(2) Any reference to a person ceasing to serve as a constable or fireman in order to serve in His Majesty's forces shall include a reference to such a person ceasing so to serve in order to be engaged in war work.

(3) Any reference to a period during which a person is serving in His Majesty's forces shall include a reference to any period during which a person is engaged in war work.

(4) Any reference to a person ceasing to serve in His Majesty's forces shall have effect as if it were a reference to a person either—

(a) ceasing to serve in His Majesty's forces otherwise than in order to be engaged in war work, or

(b) ceasing to be engaged in war work otherwise than in order to serve in His Majesty's forces.

(5) Any reference to wounds received by a person while serving in His Majesty's forces shall include a reference to any injury sustained by a person while he is engaged in war work, being either an injury arising out of and in the course of his employment or a war injury within the meaning of the Personal Injuries (Emergency Provisions) Act, 1939.

(6) Any reference to the service pay of any person shall, in relation to any period during which that person is engaged in war work, have effect as if it were a reference to his remuneration in his employment, and any sickness or disablement benefit under the National Health Insurance Act, 1936, any unemployment benefit under the Unemployment Insurance Acts, 1935 to 1940, any weekly payment under the Workmen's Compensation Acts, 1925 to 1940, or any pension or injury or other allowance under any scheme under the Personal Injuries (Emergency Provisions) Act, 1939.

(7) The reference in subsection (4) of section four to any grant payable out of any naval, military or air force fund shall include a reference to any such benefit, weekly payment, pension or allowance as is mentioned in the last foregoing paragraph, and also any lump sum payment payable under the Workmen's Compensation Acts, 1925 to 1940, or under any scheme under the Personal Injuries (Emergency Provisions) Act, 1939; and, for the purposes of subsection (5) of the said section four, any such lump sum payment shall be deemed to be a gratuity.

(8) Where any person becomes entitled under subsection (1) or subsection (3) of the said section four to any pension, allowance or gratuity in respect of an injury sustained or disease contracted by any person while engaged in war work, such deduction shall be made from that pension, allowance or gratuity as represents the amount of any such benefit, weekly payment, pension, allowance or lump sum payment as is mentioned in the last preceding paragraph; and the provisions of subsection (5) of the said section four, as applied by the last preceding paragraph, shall have effect for the purposes of this paragraph as they have effect for the purposes of subsection (4) of the said section four.

(9) It shall be the duty of every local authority affected by subsection (2) of section seven to submit such amending schemes thereunder as will secure that the firemen to whom the said subsection (2) applies shall, as nearly as may be, have the same rights and be under the same obligations as are conferred or imposed, on firemen to whom the Fire Brigade Pensions Act, 1925 applies, by sections two to six as amended by this Regulation; and any such amending scheme shall, when approved by the Secretary of State, be deemed to have had effect as from the coming into force of this Regulation.

(10) In this Regulation the expression 'engaged in war work' means engaged during the period for which the Emergency Powers (Defence) Act, 1939 is in force, in any work which the Secretary of State may direct to be treated as war work, and a person who has become engaged in war work shall not be treated as having ceased to be so engaged by reason of any temporary unemployment or absence from work.

Any direction of the Secretary of State under this paragraph—

- (a) may apply either to all persons or to particular persons or classes of persons;
- (b) may, if the Secretary of State thinks fit, be made so as to relate only to a specified period; and
- (c) may be revoked or varied by a subsequent direction;

and any question as to whether or not a particular person has been engaged in war work, and, if so, for what period, shall be determined by the Secretary of State." [942]

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THE POLICE (EMPLOYMENT AND OFFENCES) ORDER, 1941

S. R. & O., 1941, No. 454

April 1, 1941

In pursuance of the powers conferred on me by Regulation 29B of the Defence (General) Regulations, 1939, I hereby order as follows :—

1. Subject as hereinafter provided, any person who is on or after the date of this Order employed as—

- (i) a constable, not being a person appointed under section 3 of the Special Constables Act, 1923, or a person employed by any railway, inland navigation, dock or harbour undertaking, or
- (ii) a member of the women's auxiliary police corps,

is required to continue in his employment until his services are dispensed with in accordance with the provisions of Article 2 of this Order. [943]

2. The services of any person employed as aforesaid may be dispensed with—

- (i) in a case where the person has given notice of his desire that his services should be dispensed with, by the Secretary of State or the chief officer of police, provided that if the person acts as a whole-time member of a fire brigade which is not under the control of the chief officer of police, the power conferred by this paragraph on the chief officer of police shall be exercisable by the chief officer of the fire brigade ; or
- (ii) in any other case, under and in accordance with the provisions of any statute, statutory regulation or rule, or contract of service relating to the employment or with any rule of law by the authority or person having power to terminate the employment. [944]

3. Subject as hereinafter provided, paragraph (1A) of Regulation 29B of the said Regulations (which paragraph relates to disobedience to lawful orders and absence from duty shall) apply to any person employed as aforesaid. [945]

4. This Order shall not apply to a person who is employed as aforesaid without remuneration or to a person who is not employed as aforesaid whole-time. [946]

5.—(1) This Order may be cited as the Police (Employment and Offences) Order, 1941.

(2) So much of the Police and Firemen (Employment) Order, 1940, as relates to persons employed as constables is hereby revoked.

(3) This Order shall not extend to Scotland. [947]

* * * * *

THE ADMIRALTY CIVIL POLICE AND ROYAL MARINE POLICE SPECIAL RESERVE (EMPLOYMENT AND OFFENCES) ORDER, 1941

S. R. & O., 1941, No. 490

April 3, 1941

In pursuance of the powers conferred on them by Regulation 29B of the Defence (General) Regulations, 1939, the Lords Commissioners of the Admiralty hereby make the following Order :—

1. Any person who is, on or after the date of this Order, employed as a constable appointed by the Admiralty under section 3 of the Special Constables Act, 1923, is required to continue in his employment until his services are dispensed with in accordance with the provisions of Article 2 of this Order. [948]

2. The services of any such person employed as aforesaid may be dispensed with

(a) in a case where the person has given notice of his desire that his services should be dispensed with, by the Admiralty or the Chief Officer of Police,

(b) in any other case, under and in accordance with the provisions of any statute, statutory Regulation or rule, or contract of service relating to the employment or with any rule of law by the authority or person having power to terminate the employment. [949]

3. Paragraph 1A of Regulation 29B of the said Regulations (which paragraph relates to disobedience to lawful orders and absence from duty) shall apply to any person employed as aforesaid. [950]

4. This Order may be cited as "The Admiralty Civil Police and Royal Marine Police Special Reserve (Employment and Offences) Order, 1941." [951]

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THE WAR DEPARTMENT CONSTABULARY (EMPLOY- MENT AND OFFENCES) ORDER, 1941

S. R. & O., 1941, No. 740

May 28, 1941

In pursuance of the powers conferred on them by Regulation 29B of the Defence (General) Regulations, 1939, the Army Council hereby order as follows :—

1. Subject as hereinafter provided, any person who is on or after the date of this Order employed as a member of the War Department Constabulary, being a person appointed on the nomination of the Army Council under section 3 of the Special Constables Act, 1923, is required to continue in his employment until his services are dispensed with in accordance with the provisions of Article 2 of this Order. [952]

2. The services of any person employed as aforesaid may be dispensed with :—

- (i) in a case where the person has given notice of his desire that his services should be dispensed with, by the approval and authority of the Chief Constable, or an officer authorised to act on his behalf ;
- (ii) in any other case, under and in accordance with the provisions of any statute, statutory regulation or rule, or contract of service relating to the employment or with any rule of law by the authority or person having power to terminate the employment. [953]

3. Subject as hereinafter provided, paragraph (1A) of Regulation 29B of the said Regulations (which paragraph relates to disobedience to lawful orders and absence from duty) shall apply to any person employed as aforesaid. [954]

4. This Order shall not apply to a person who is employed as aforesaid without remuneration or to a person who is not employed as aforesaid whole-time. [955]

5. This Order may be cited as the War Department Constabulary (Employment and Offences) Order, 1941. [956]

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THE POLICE REGULATIONS, 1941

S. R. & O., 1941, No. 1122

July 21, 1941

I, the Right Honourable Herbert Morrison, one of His Majesty's Principal Secretaries of State, in pursuance of the powers conferred on me by Section 4 of the Police Act, 1919, hereby make the following Regulations amending the Police Regulations * :—

1. For Regulation 64A the following Regulation shall be substituted :—

“ Supplementary Allowance.

64A. *As from 1st March, 1941, there shall be paid to every constable a supplementary allowance of 10s. a week, and to every sergeant (including station sergeants) a supplementary allowance of 5s. a week ”.* [957]

2. At the end of Regulation 64B the following words shall be inserted :—
“ and, as from 1st March, 1941, to every Inspector a war duty allowance of 5s. a week :

Provided that nothing in this Regulation shall apply to—

(a) *any Chief Inspector or Sub-Divisional Inspector, or*

(b) *any member of the City of London Police above the rank of Sub-Inspector ”.* [958]

3. In Regulation 74 for the word “ paid ” there shall be substituted the words “ *if any paid to him* ” and at the end there shall be inserted the words “ *together with the supplementary allowance if any paid in respect of that rank under Regulation 64A* ”. [959]

4. In paragraph (3) of Regulation 74A the words “ *together with the supplementary allowance paid under Regulation 64A* ” shall be omitted. [960]

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THE POLICE (WOMEN) REGULATIONS, 1941

S. R. & O., 1941, No. 1123

July 21, 1941

I, the Right Honourable Herbert Morrison, one of His Majesty's Principal Secretaries of State, in pursuance of the powers conferred on me by Section 4 of the Police Act, 1919, hereby make the following Regulation amending the Police (Women) Regulations* :—

1. For Regulation 56A the following Regulation shall be substituted :

" Supplementary Allowance.

56A. As from the 1st March, 1941, there shall be paid to every woman constable a supplementary allowance of 7s. 6d. a week and to every woman sergeant a supplementary allowance of 4s. a week". [961]

2. At the end of Regulation 56B the following words shall be inserted :—
" and, as from the 1st March, 1941, to every woman inspector a war duty allowance of 4s. a week :

Provided that nothing in this Regulation shall apply to any woman Chief Inspector or woman Sub-Divisional Inspector". [962]

3. In Regulation 64 for the word "*paid*" there shall be substituted the words "*if any paid to her*", and at the end there shall be inserted the words "*together with the supplementary allowance if any paid in respect of that rank under Regulation 56A*". [963]

4. In paragraph 3 of Regulation 64A the words "*together with the supplementary allowance paid under Regulation 56A*" shall be omitted. [964]

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THE METROPOLITAN POLICE STAFFS INJURIES ORDER, 1941

S. R. & O., 1941, No. 1256

August 15, 1941

Whereas under the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, both as originally enacted and also as applied by section five of the Metropolitan Police Courts Act, 1897, and as extended by the Superannuation (Various Services) Act, 1938, the Secretary of State is authorised by Order to make regulations respecting the grant to officers to whom these Acts apply of superannuation allowances, compensations, gratuities, or other allowances on the like principles and conditions as are for the time being in force with respect to persons in the Civil Service of the State ;

Now, therefore, I, the Right Honourable Herbert Morrison, one of His Majesty's Principal Secretaries of State, in pursuance of the said Acts and of all other powers enabling me in this behalf, do, by this Order, make the following regulations :—

1. This Order may be cited as the Metropolitan Police Staffs Injuries Order, 1941, and shall be construed as one with the Metropolitan Police

* Words altered or added are printed in italics.

Staffs Injuries No. 3 Order, 1940 (hereinafter referred to as "the No. 3 Order"). [965]

2. Clauses 4 and 5 of the No. 3 Order are hereby revoked and there shall be substituted therefor the following clauses, which shall be deemed to have come into operation on the 23rd day of July, 1940 :—

" 4.—(1) If any person to whom either of the Principal Orders, as amended by clause 2 of this Order, applies by reason that he sustains a war injury or, that, being a civil defence volunteer, he sustains a war service injury or that, being enrolled in a unit of the Home Guard formed in the Metropolitan Police Offices or Metropolitan Police Courts for the protection of Metropolitan Police or Metropolitan Police Courts premises, he sustains an injury in the course of his duties or of training as a member of such unit (whether a war injury or not)—

- (a) retires by reason of such an injury, or
- (b) having sustained such an injury, retires wholly or partly on account of age or infirmity or retires, or is removed from police service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belonged, by which greater efficiency and economy can be effected, or
- (c) dies within seven years after the date of the injury and as a direct result thereof,

then, if the Secretary of State is satisfied that it would be appreciably more favourable to that person, or in the case of his death to his dependants, to be so treated, there may be granted under the Principal Orders

- (i) in the case of his retirement as aforesaid, to him and
- (ii) in the case of his death as aforesaid, to his widow or mother or in respect of his children pensions and allowances of the same amount as might have been awarded to him, or, as the case may be, to his widow or mother or to or in respect of his children under the appropriate compensation provision in respect of the injury if the conditions for such an award had been fulfilled and if no award were made under the Principal Orders in respect of the injury.

(2) If a grant, either on the scale set out in the Principal Orders or on the scale set out in the appropriate compensation provision, is made on the retirement or death of such a person as aforesaid in the circumstances mentioned in the preceding sub-clause, then, if and so often as the Secretary of State is satisfied that the conditions for a grant on the alternative scale are fulfilled and that it would be appreciably more favourable to that person or his dependants to be so treated, that grant may be converted into the appropriate grant on the other scale, and if so converted, may be reconverted to the appropriate grant on the previous scale provided that

- (i) If a gratuity is under this sub-clause converted or reconverted into a pension or other periodical allowance, there shall be deducted from such pension or allowance such amount as the Government Actuary estimates to be the actuarial equivalent of the gratuity, and
- (ii) If a pension or other periodical allowance is under this sub-clause converted or reconverted into a gratuity, there shall be deducted from the amount of the gratuity the gratuity value of the pension or allowance over the period for which it has been payable up to the date of such conversion or reversion.

(3) For the purposes of this clause 'the appropriate compensation provision'.

- (a) In relation to any person who is enrolled in a unit of the Home Guard formed in the Metropolitan Police Offices or Metropolitan Police Courts for the protection of Metropolitan Police or Metropolitan Police Courts premises and who sustains an injury in the course of his duties, or of training as a member of such unit (whether a war injury or not), means any Royal Warrant for the time being in force making provision for the award of pensions and other grants to members of the Home Guard whose services have been determined, and who are disabled, and to the widows, children and dependants of members of the Home Guard deceased, in cases where the disablement or death of such members arises from their service as such members during the present war;
- (b) In relation to any person to whom there applies any scheme made by the Minister of Pensions under Sections 3 and 4 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939 means that scheme;
- (c) In relation to any other person, means Part III of the Scheme."

" 5. For the purposes of this Order, the 'annual value' of a pension or allowance shall be the total amount which would be payable during a year in respect of that pension or allowance and the 'gratuity value' of a pension or allowance shall be such capital sum as the Government Actuary estimates to be the actuarial equivalent of that pension or allowance." [966]

3. Clause 5 (1) of the No. 1 Order, clause 4 (1) of the No. 2 Order and clauses 3 (1) and 6 of the No. 3 Order shall be amended by inserting after the words "retires wholly or partly on account of age or infirmity" the words "or retires or is removed from police service in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the Department to which he belonged, by which greater efficiency and economy can be effected." [967]

4. Clause 5 (3) of the No. 1 Order and Clause 4 (3) of the No. 2 Order shall be amended by substituting for the words "Where any person to whom this Order applies is unable to follow his employment by reason of his injury, but there is doubt whether or not he will retire by reason thereof" the words "Where any person to whom this Order applies is temporarily unable to follow his employment by reason of his injury". [968]

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THE POLICE REGULATIONS, 1941

S. R. & O., 1941, No. 2102

December 17, 1941

I, the Right Honourable Herbert Morrison, one of His Majesty's Principal Secretaries of State, in pursuance of the powers conferred on me by section 4 of the Police Act, 1919, hereby make the following Regulations amending the Police Regulations* :—

1. In paragraph (3) of Regulation 20B after the words "*to pay or to*" there shall be inserted the words "*supplementary allowance, war duty allowance, temporary appointment allowance*".

For the words "*two-thirds of his pay*" there shall be substituted the words "*two-thirds of the aggregate of his pay, his supplementary allowance, his war duty allowance and any temporary appointment allowance which was being paid to him immediately prior to his suspension*". [969]

2. For Regulation 64A the following Regulation shall be substituted :—

"*Supplementary Allowance.*

64A.—(1) *There shall be paid to every constable a supplementary allowance of 10s. a week.*

(2) *As from 1st September, 1941, there shall be paid to every member of a police force of a rank higher than that of constable :—*

(a) *for every week in which the annual value of his emoluments does not exceed £500 a supplementary allowance of 5s. ; and*

(b) *for every week in which the annual value of his emoluments exceeds £500 but is less than £513 a supplementary allowance of a sum, the annual value of which will together with the annual value of his emoluments equal the sum of £513.*

(3) *In this Regulation—*

(a) *the expression "emoluments" means pay together with any war duty allowance, any allowance in respect of the performance of the duties of Deputy Chief Constable, any temporary appointment allowance, and either rent allowance or, where the member is provided with a house or quarters free of rent and rates, such sum as the police authority may determine to be the rental value (inclusive of rates) of such house or quarters.*

(b) *the expression "annual value", in relation to any sum which is fixed with reference to a week, means three hundred and sixty-five sevenths of that sum calculated to the nearest complete penny and the annual value of emoluments shall be ascertained accordingly."* [970]

3. In Regulation 67 for the words from "*be paid*" to the end of the Regulation there shall be substituted the words "*as from the 1st December, 1941, be paid in lieu a boot allowance at the rate of 1s. 6d. weekly*". [971]

4. In paragraph (3) of Regulation 74A after the words "*an allowance*" there shall be inserted the words "*(in these Regulations referred to as "temporary appointment allowance")*". [972]

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* Words altered or added are printed in italics.

THE POLICE (WOMEN) REGULATIONS, 1941

S. R. & O., 1941 No. 2103

December 17, 1941

I, the Right Honourable Herbert Morrison, one of His Majesty's Principal Secretaries of State, in pursuance of the powers conferred on me by Section 4 of the Police Act, 1919, hereby make the following Regulations amending the Police Regulations * :—

1. In paragraph (3) of Regulation 14B after the words "*to pay or to*" there shall be inserted the words "*supplementary allowance, war duty allowance, temporary appointment allowance*".

For the words "*two-thirds of her pay*" there shall be substituted the words "*two-thirds of the aggregate of her pay, her supplementary allowance, her war duty allowance and any temporary appointment allowance which was being paid to her immediately prior to her suspension*". [973]

2. For Regulation 56A the following Regulation shall be substituted :—

"Supplementary Allowance.

56A.—(1) *There shall be paid to every woman constable a supplementary allowance of 7s. 6d. a week.*

(2) *As from 1st September, 1941, there shall be paid to every woman member of a police force of a rank higher than that of constable :—*

(a) *for every week in which the annual value of her emoluments does not exceed £500 a supplementary allowance of 4s. ; and*

(b) *for every week in which the annual value of her emoluments exceeds £500 but is less than £510 8s. a supplementary allowance of a sum, the annual value of which will together with the annual value of her emoluments equal the sum of £510 8s.*

(3) *In this Regulation :—*

(a) *the expression "emoluments" means pay together with any war duty allowance, any temporary appointment allowance, and either rent allowance or where the member is provided with a house or quarters free of rent and rates, such sum as the police authority may determine to be the rental value (inclusive of rates) of such house or quarters.*

(b) *the expression "annual value", in relation to any sum which is fixed with reference to a week, means three hundred and sixty-five sevenths of that sum calculated to the nearest complete penny and the annual value of emoluments shall be ascertained accordingly.* [974]

3. In Regulation 58 for the words from "*be paid*" to the end of the Regulation there shall be substituted the words "*as from the 1st December, 1941, be paid in lieu a boot allowance at the rate of 1s. 6d. weekly*". [975]

4. In paragraph (3) of Regulation 64A after the words "*an allowance*" there shall be inserted the words "*(in these Regulations referred to as "temporary appointment allowance")*". [976]

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* Words altered or added are printed in italics.

CASES

Police—Consolidation of Borough and County Police Forces—Powers to be exercised by Police Authority—“Police Authority”—Police Pensions Act, 1921 (c. 31), s. 30, Sched. III—House to House Collections Act, 1939 (c. 44).

In the House to House Collections Act, 1939, the expression “police authority” has the same meaning as in the Police Pensions Act, 1921, and by s. 30 and the third schedule of the latter Act it means, in the case of a borough, the watch committee, except where the context otherwise requires. Under the Municipal Corporations Act, 1882, the control of the police for the borough of Swindon was vested in the watch committee, but, by agreement with the standing joint committee for the county of Wiltshire, the entire government of the police in the borough was handed over to the county authority. On the basis of the above definition, the applicants contended that they were entitled to exercise the powers in the 1939 Act given to the police authority :—

Held : the definition in the third schedule to the 1921 Act was not conclusive. Upon the proper construction of the Act as a whole, the standing joint committee was, in the circumstances of the case, the police authority to exercise the powers given by the 1939 Act within the borough of Swindon. —SWINDON CORPN. *v.* HERBERT, [1942] 1 K. B. 198 ; [1941] 3 All E. R. 481 ; 111 L. J. (K. B.) 81 ; 166 L. T. 131 ; 106 J. P. 94 ; 86 Sol. Jo. 92 ; 40 L. G. R. 59. [977]

PORT OF LONDON AUTHORITY

See LONDON.

PUBLIC ASSISTANCE

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ORDERS, CIRCULARS AND MEMORANDA

PROVISIONAL REGULATIONS DATED FEBRUARY 20, 1941, MADE BY THE MINISTER OF HEALTH UNDER THE POOR LAW ACT, 1930

P. R. & O., 1941.

February 20, 1941

103073.

Whereas by the Public Assistance (Amendment) Order, 1940 and the Public Assistance (Amendment) Order (No. 2), 1940, certain provision is made for the amendment of Article 17 of the Public Assistance Order, 1930 :

And whereas it is expedient that the said Article as amended as aforesaid should be further amended as hereinafter appearing :

Now therefore the Minister of Health hereby certifies under section 2 of the Rules Publication Act, 1893, that on account of urgency the following regulations should come into immediate operation and in exercise of his powers under the Poor Law Act, 1930, and of all other powers enabling him in that behalf, hereby makes the following regulations to come into operation forthwith as provisional rules :

1. These regulations may be cited as the Public Assistance (Amendment) Order, 1941. [978]

2. These regulations shall continue in operation until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of the Courts (Emergency Powers) Act, 1939, came to an end. [979]

3. Subject to the provisions of subsection (1) of section 137 of the Poor Law Act, 1930, Article 17 of the Public Assistance Order, 1930, as amended as aforesaid, shall be further amended to the following form :—

“ 17. Subject to any regulations which may be made by the Council or Public Assistance Committee, reasonable expenses may be incurred in conveying at reasonable intervals any person, who is receiving relief from the Council, to and from any institution, hospital or other public or voluntary establishment, whether within or without the area, for the purpose of visiting a husband, wife, child or other near relative who is an inmate thereof, or to and from any place for the purpose of visiting such a relative being for the time being at such place under an evacuation plan.” [980]

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**PROVISIONAL REGULATIONS, DATED MARCH 6, 1941,
MADE BY THE MINISTER OF HEALTH UNDER THE
POOR LAW ACT, 1930**

P. R. & O., 1941

March 6, 1941

103,093.

Whereas by the Public Assistance (Casual Poor) Order, 1931 (in this order referred to as “ the order of 1931 ”), made by the Minister of Health under the Poor Law Act, 1930, as amended by the Public Assistance (Casual Poor) Amendment Order, 1939 (in this order referred to as “ the order of 1939 ”), regulations are prescribed in regard to the administration of the relief of the casual poor ;

And whereas it is expedient that the order of 1931 as amended as aforesaid should be further amended as hereinafter appearing :

Now therefore the Minister of Health hereby certifies under section 2 of the Rules Publication Act, 1893, that on account of urgency the following regulations should come into immediate operation and in exercise of his powers under the Poor Law Act, 1930, and of all other powers enabling him in that behalf, hereby makes the following regulations to come into operation forthwith as provisional rules :—

1. These regulations may be cited as the Public Assistance (Casual Poor) Amendment Regulations, 1941. [981]

2. These regulations shall continue in operation until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of the Courts (Emergency Powers) Act, 1939, came to an end. [982]

3. Subject to the provisions of subsection (1) of section 137 of the Poor Law Act, 1930—

(i) paragraph 1 of the First Schedule to the order of 1931 as amended by the order of 1939 shall be further amended to the following form :—

“ 1. Subject as hereinafter provided the dietary for casuals shall be in accordance with the following Dietary Table :

Provided that the dinner served to inmates of an institution of which the casual ward forms part may, if comprising meat or fish, be served in place of that prescribed :

Class.	Description.	Supper.	Breakfast.	Dinner.
1	Men, and boys 12 years old or over.	Vegetable stew, made with milk, 1 pint; bread, 4 oz.	Bread, 10 oz.; margarine or dripping, 1 oz.; hot tea, coffee or cocoa, 1 pint.	Cooked or tinned meat or fish, or cheese, 1 oz.; hot potatoes, 14 oz.; other vegetables, 6 oz.; hot tea, coffee or cocoa, 1 pint.
2	Women, and girls 12 years old or over.	Vegetable stew, made with milk, 1 pint; bread, 3 oz.	Bread, 8 oz.; margarine or dripping, 1 oz.; hot tea, coffee or cocoa, 1 pint.	Cooked or tinned meat or fish, or cheese, 1 oz.; hot potatoes, 10 oz.; other vegetables, 6 oz.; hot tea, coffee or cocoa, 1 pint.
3	Children under 12 years of age.	Such meals as may, subject to the approval of the Council, be prescribed by the Medical Officer.”		

(ii) the following provision shall be inserted after paragraph 2 of the First Schedule to the order of 1931, namely :—

“ 2A. Where the prescribed quantity of any constituent of a meal is not served in a single helping and notice of that fact including an intimation that the remainder will be served on request is exhibited in a conspicuous place in the casual ward the remainder need not be served unless such a request is made.”

(iii) paragraph 7 of the First Schedule to the order of 1931, as amended by the order of 1939, shall be further amended to the following form :—

“ 7. The mid-day meal to be provided for each casual on the day of his discharge from the Casual Ward shall be in accordance with the following Dietary Table :—

Class.	Description.	Mid-day Meal.
1	Men, and boys 12 years old or over.	Cooked or tinned meat, or fish or cheese, 1 oz. ; bread, 10 oz. ; jam, marmalade or treacle, 1 oz.
2	Women, and girls 12 years old or over.	Cooked or tinned meat or fish, or cheese, 1 oz. ; bread, 8 oz. ; jam, marmalade or treacle, 1 oz.
3	Children 6 years old or over, but under 12 years old.	Bread, 6 oz. ; jam, marmalade or treacle, 1½ oz. ; milk, ½ pint.
4	Children 3 years old or over, but under 6 years old.	Bread, 4 oz. ; jam, marmalade or treacle, 1½ oz. ; milk, ½ pint.
5	Children 1 year old or over, but under 3 years old.	Bread, 3 oz. ; jam, marmalade or treacle, 1½ oz. ; milk, ½ pint.
6	Children under 1 year old.	Milk, ½ pint ; sugar, ½ oz."

(iv) the following provision shall be inserted after paragraph 9 of the First Schedule to the order of 1931, namely :—

" 9A. If by reason of control or scarcity the provision of any constituent of a meal hereinbefore prescribed is not practicable, or is not practicable to the extent of the full quantity prescribed, some other article of food as nearly similar thereto as is practicable in the circumstances may be substituted."

[983]

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MINISTRY OF HEALTH CIRCULAR

Circular 2296

February 28, 1941

PUBLIC ASSISTANCE

VISITS TO EVACUATED RELATIVES

SIR,—1. I am directed by the Minister of Health to transmit for the information of the Council the enclosed copy of the Public Assistance (Amendment) Order, 1941. [984]

2. Under previous Orders the Council were empowered to defray the reasonable travelling expenses of a person who is receiving relief in visiting a child who had been evacuated under the Government scheme, and the effect of the new Order is to extend this power so as to cover visits to a husband or wife or other near relative. [985]

3. In connection with this matter, attention is drawn to the additional facilities for special travel which were set out in Memorandum Ev. 12. It is suggested that in exercising their powers under the new Order the Council should be guided by the considerations set out in paragraphs 17, 18 and 19 of Circular 2000 of the 19th April, 1940. [986]

4. The Order has been made as Provisional Rules under the Rules Publication Act, 1893, and in accordance with the proviso to Section 137 (1) of the Poor Law Act, 1930, it will come into operation on the expiration of fourteen days from the 25th instant upon which date it was published in the *London Gazette* in accordance with the provisions of the proviso. [987]

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PUBLIC AUTHORITIES PROTECTION ACT

See ACTIONS BY AND AGAINST LOCAL AUTHORITIES.

PUBLIC HOUSE

See RATES AND RATING.

PUBLIC SERVICE VEHICLES

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ORDERS, CIRCULARS AND MEMORANDA

THE PUBLIC SERVICE VEHICLES (CONDITIONS OF FITNESS) REGULATIONS, 1941

S. R. & O., 1941, No. 514

April 3, 1941

The Minister of Transport, in exercise of the powers vested in him under or by virtue of Section 68 of the Road Traffic Act, 1930, hereby makes the following Regulations.

1.—(1) These Regulations may be cited as “ The Public Service Vehicles (Conditions of Fitness) Regulations, 1941 ”.

(2) The Public Service Vehicles (Conditions of Fitness) Regulations, 1936, and all Regulations amending them, are hereby revoked.

(3) Save as hereinafter provided in Regulation 2 hereof, a certificate of fitness shall not be issued in respect of any vehicle which does not comply with the conditions hereinafter prescribed in Regulations 4 to 51 hereof. [988]

2.—(1) Regulations 4, 5, 9, 16 (3), 19, 28, 29 (3), 34 (2), 35 (1), 36 and 38 (3) (i) shall not apply to vehicles registered on or before 1st January, 1932.

(2) Regulation 13 shall not apply to vehicles registered on or before 1st December, 1932.

(3) Regulations 10 and 14 shall not apply to vehicles registered before 1st January, 1933.

(4) A certificate of fitness shall not be revoked, suspended or refused in respect of any vehicle registered on or before 30th June, 1932, by reason only of the fact that under the definition of "permanent top" contained in these Regulations the vehicle is to be regarded as having a permanent top if it would not have been so regarded but for that definition.

(5) Paragraphs (2) and (3) of Regulation 35 shall not apply to vehicles registered before 1st October, 1936. [989]

3. In these Regulations unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them :—

"Vehicle" means public service vehicle.

"Overall length" means the length of a vehicle measured between parallel planes passing through the extreme projecting points of the vehicle, exclusive of any starting handle, hood when down or post office letter box the length of which, measured parallel to the longitudinal axis of the vehicle, does not exceed 12 inches.

"Overall width" means the width measured between parallel planes passing through the extreme projecting points of the vehicle exclusive of the driving mirror and of any direction indicator when in operation.

"Entrance" means any aperture or space by which passengers are intended to board the vehicle.

"Exit" means any aperture or space by which passengers are intended to leave the vehicle.

"Emergency exit" means an exit which is intended to be used only in case of emergency.

"Permanent top" means any covering of a vehicle other than a hood of canvas or other flexible material which is capable of being readily folded back so that no portion of such hood or any fixed structure of the roof remains vertically above any part of any seat of the vehicle, or in the case of a double-decked vehicle of any seat of the upper deck of the vehicle.

"Gangway" means the space provided for obtaining access from any entrance to the passengers' seats or from any such seat to an exit other than an emergency exit but does not include a staircase or any space in front of a transverse seat which is required only for the use of passengers occupying that seat.

"Registered" means registered for the first time under the Roads Act, 1920. [990]

4. The overall length of a four-wheeled double-decked vehicle shall not exceed 26 feet. [991]

5. No single-decked vehicle shall exceed 10 feet 6 inches in height and no double-decked vehicle shall exceed 15 feet in height.

Provided that where a single-decked vehicle is propelled by a fuel which is wholly gaseous at a temperature of 60° Fahrenheit under a pressure of 30 inches of mercury, the height of the vehicle may be increased up to a maximum of 15 feet if the increase in height above 10 feet 6 inches is due solely to the adaptation of the vehicle for the carriage of flexible gas containers not exceeding in the aggregate 150 lbs. in weight and containing gas at a pressure not exceeding 1 lb. per square inch above atmospheric pressure. [992]

6.—(1) Subject as hereinafter provided in paragraph (2) hereof :—

(a) The sum of all the weights transmitted to the road surface by all the wheels—

(i) of a four-wheeled vehicle shall not exceed $9\frac{1}{2}$ tons in the case of a single-decked vehicle, or 11 tons in the case of a double-decked vehicle ;

(ii) of a vehicle with more than four wheels shall not exceed 13 tons ; and

(b) the weight transmitted to the road surface by any two wheels of a vehicle in line transversely shall not exceed $6\frac{1}{2}$ tons in the case of a single-decked vehicle, or $7\frac{1}{2}$ tons in the case of a double-decked vehicle.

(2) In the case of vehicles carrying a container or containers for holding for the purpose of their propulsion any fuel that is wholly gaseous at 60° Fahrenheit under a pressure of 30 inches of mercury or plant and materials for producing such fuel, each of the weights permitted by paragraph (1) hereof may be increased by 15 cwt.

(3) For the purposes of these Regulations the weight transmitted to the road surface by a vehicle shall be taken to be the weight so transmitted by the vehicle when it is complete and fully equipped for service with a full supply of water, oil and fuel and loaded with weights of 140 lbs. per person placed in the correct relative positions for each passenger for whom a seat is provided and for the driver and conductor (if carried). [1993]

7.—(1) The stability of a double-decked vehicle registered after 1st July, 1931, shall be such that when loaded with weights of 140 lbs. per person placed in the correct relative positions to represent the driver and conductor (if carried) and a full complement of passengers on the upper deck only if the surface on which the vehicle stands were tilted to either side to an angle of 28 degrees from the horizontal the point at which overturning occurs would not be passed.

(2) The stability of a single-decked vehicle registered on or after 1st October, 1936, shall be such that under any conditions of load if the surface on which the vehicle stands were tilted to either side to an angle of 35 degrees from the horizontal the point at which overturning occurs would not be passed.

(3) A single-decked vehicle registered after 1st July, 1931, and before 1st December, 1932, shall comply with the requirements of paragraph (1) of this Regulation modified by the omission of the words “ on the upper deck only ”.

(4) A single-decked vehicle registered on or after 1st December, 1932, and before 1st October, 1936, shall comply either—

(i) with the requirements of paragraph (2) of this Regulation ; or

(ii) with the requirements of paragraph (1) of this Regulation modified by the omission of the words “ on the upper deck only ” and with the following requirements :

(a) *Tracks*.—The distance between the centre lines of the tracks of the front wheels and the distance between the centre lines of the tracks of the rear wheels shall not in either case be less than 69 per cent. of the overall width of the vehicle. In no case shall the distance between the centre lines of the tracks of the front wheels be less than the distance between the centre lines of the tracks of the rear wheels. In all cases wheel track measurements shall

be taken horizontally at the level of the centres of the wheels.

- (b) *Springs*.—The rear longitudinal springs shall be attached to or bear upon the rear axle or axle casing as near to the road wheels as reasonably possible, and the distance from outside to outside of such springs shall in any case be not less than 50 per cent. of the overall width of the vehicle; provided that in the case of a vehicle which is fitted at the front only with a transverse spring or springs the distance from outside to outside of the rear springs shall be not less than 53 per cent. of the overall width of the vehicle. Where longitudinal springs are fitted at the front of the vehicle they shall be as wide apart as reasonably possible and the distance from outside to outside of such springs shall be not less than 37 per cent. of the overall width of the vehicle; provided that if the distance between the rear springs from outside to outside is 53 per cent. or more of the overall width of the vehicle, the minimum distance between the front springs as provided above may be reduced by 1 inch.

(5) For the purposes of this Regulation—

- (i) The distance from outside to outside of any pair of longitudinal springs shall be measured along the centre line of the axle to or on which the springs are attached or bear;

(ii) A spring shall be deemed to be—

- (a) longitudinal if it is parallel to or makes an angle of not more than 15 degrees with the longitudinal axis of the vehicle, and
(b) transverse if it makes an angle of more than 15 degrees with such axis.

(6) For the purpose of conducting tests of stability the height of any stop used to prevent a wheel of the vehicle from slipping sideways shall not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted, and that part of the rim of that wheel which is then nearest to such surface when the vehicle is loaded in accordance with the requirements of this Regulation. [994]

8. In the case of vehicles registered on or after 1st December, 1932, transverse springs if fitted at the rear of the vehicle shall be fitted only as supplemental to longitudinal springs, and in every case where transverse springs are fitted to a vehicle the system of springing shall be so designed that there is no excessive body sway. [995]

9. Every vehicle shall be so constructed as to be capable of turning in either direction in a circle not exceeding in diameter 60 feet in the case of a vehicle the overall length of which does not exceed 26 feet, and 66 feet in the case of a vehicle the overall length of which exceeds 26 feet. For the purposes of this Regulation such diameter shall be determined by reference to the extreme outer edge of the wheel track at ground level. [996]

10. Save as provided in Regulation 11 hereof no part of any fully laden vehicle standing on level ground shall, in front of or within the limits hereinafter specified, be nearer the ground than 10 inches. The limits shall extend :—

- (i) in length rearwards from the foremost part of the vehicle excluding the starting handle and the body work for a distance—
 - (a) in the case of a four-wheeled vehicle of 14 feet 6 inches or, if the rear axle is less than 14 feet 6 inches behind such foremost part, up to but not including such axle, and
 - (b) in the case of a vehicle having more than four wheels of 13 feet or if the foremost driving axle is less than 13 feet behind such foremost part, up to but not including such driving axle ;
- (ii) in width for a distance on either side of the centre line of the vehicle of not less than one-third of the distance between the centre lines of the tracks of the front wheels. [997]

11. Regulation 10 hereof shall not apply in the case of any vehicle fitted with a lifeguard which complies in all respect with the requirements specified hereunder if no part of the vehicle (other than the actuating device) which is in front of the foremost part of the tray is nearer to the ground than 10 inches :—

- (1) The lifeguard shall consist of two main parts—
 - (i) a tray or similar part ;
 - (ii) an actuating device which, when it is struck by or strikes an object, causes the tray or similar part to come into operation.
- (2) When the actuating device is struck by or strikes an object the tray shall be brought into operation in the quickest possible manner and shall be retained in the operative position by positive means.
- (3) The lower edge of the actuating device shall be as close to the ground as practicable and the device shall be hinged along its upper side so as to be free to move backwards through an angle sufficient to give a clearance of 10 inches at least between any part of the device and the ground.
- (4) When the actuating device is not in operation the distance measured longitudinally from any part of such device to the foremost part of the tray shall be as great as practicable and not less than 2 feet.
- (5) The tray shall have a minimum clear length from front to back of 2 feet.
- (6) The actuating device and the tray shall extend across the vehicle for a width at least equal to that of the front wheel track, and shall not project beyond the outside edge of the tyre of either front wheel when such wheel is parallel with the longitudinal axis of the vehicle.
- (7) The tray shall be so designed and constructed that when in operation—
 - (i) its front edge shall be in contact with the road surface for a width at least equal to that of the front wheel track ;
 - (ii) it shall ride freely over the road surface, and
 - (iii) a person can be carried and retained thereon.
- (8) The lifeguard shall be so constructed, designed and fitted to the vehicle that when brought into operation as aforesaid, the object after passing under the actuating mechanism shall be prevented from coming into contact with the front wheels of the vehicle. [998]

12.—(1) If any two wheels on either side of a vehicle have a clear space of more than 2 feet between the nearest points, a guard rail, running board

or other similar device, which shall extend to within 9 inches of the front wheel and 6 inches of the rear wheel, shall be fixed to guard such space effectively to within at least 10 inches of the ground when the vehicle is carrying no passengers and is standing on level ground.

(2) In the case of vehicles registered on or after 1st October, 1936, any guard rail fitted in compliance with this Regulation shall be so constructed and fitted that, when necessary, by raising the rail or otherwise, access can easily be obtained to any part of the space underneath the vehicle. [999]

13. In the case of a vehicle used as a stage carriage no part of the vehicle other than a direction indicator, when in operation, or a driving mirror shall project laterally more than 6 inches beyond the outer face of the outer tyre on the rearmost wheel on the same side of the vehicle. [1000]

14. All brakes required by any Regulation to be fitted shall act directly on the wheels of the vehicle and not through the transmission gear. [1001]

15. The brakes of one of the braking systems shall be applied by pedal. [1002]

16.—(1) The steering mechanism shall be so constructed or arranged that no overlock shall be possible and that the wheels shall not in any circumstances foul any part of the vehicle.

(2) The steering arms shall be polished but shall not be painted or plated.

(3) The ball and socket joints of steering connections, when such are used, shall not be pendant.

(4) Dust-excluding covers fitted to any joint or connection of the steering mechanism shall be capable of being easily removed to facilitate inspection. [1003]

17. Where brake and steering connections are secured with bolts or pins, the bolts or pins shall be threaded and effectively locked. All connections made with bolts or pins shall be such that when they are in any position other than horizontal the head of the bolt or pin shall be uppermost. [1004]

18. Every vehicle registered on or after 10th February, 1931, shall be equipped with pneumatic tyres. [1005]

19. No portion of any road wheel or any fittings thereof shall project more than $3\frac{1}{2}$ inches beyond the extreme outer face of the tyre when fully inflated. [1006]

20. No fuel tank shall be placed under any part of any gangway which is within 2 feet of any entrance or exit of a single-decked vehicle or the lower deck of a double-decked vehicle. [1007]

21. Fuel tanks shall be so placed that no overflow therefrom shall fall upon any woodwork or accumulate where it can be readily ignited. A cock shall be provided by means of which the supply of fuel to any carburetter may be immediately cut off and the means of operation thereof shall be visible and readily accessible at all times from outside the vehicle. The "off" position of the means of operation shall be clearly marked on the outside of the vehicle. The filling points of all fuel tanks shall be outside the body of the vehicle, and the filler caps shall be so designed and constructed that they can be securely fixed in position. The vent hole (if any) shall be protected from danger of penetration by fire and shall be so designed as to prevent fuel being splashed over. [1008]

22. All carburetters and apparatus associated therewith shall be so placed or shielded that no fuel leaking therefrom shall fall upon any part or fitting which is capable of igniting it, or into any receptacle where it might accumulate. [1009]

23. The exhaust pipe shall be so fitted or shielded that no inflammable material can be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle; the outlet thereof shall be placed on the offside and far enough to the rear to prevent, so far as practicable, fumes from entering the vehicle. [1010]

24. All electric leads shall be adequately insulated. [1011]

25. All moving parts and all parts subject to severe vibration connected by bolts or studs and nuts shall be fastened by lock nuts or by nuts and efficient spring or lock nut washers, or by castellated nuts and split pins or by some other efficient device, so as to prevent their working or coming loose. [1012]

26. The body shall be securely affixed to the chassis. Every trap door in the floor of the vehicle shall be strong and so fitted or fastened that it cannot become dislodged by vibration. Any lifting device provided shall be properly sunk. [1013]

27.—(1) In the case of a double-decked vehicle with an uncovered top deck the top of the side rails shall be at least 3 feet above the roof battens at the sides, and 18 inches above the highest part of any seat. For the purpose of this Regulation the seat-back shall not be deemed to be a part of the seat. The top of the front and back rails shall be at least 3 feet 3 inches above the roof battens and shall follow the camber of the roof.

(2) In the case of a single-decked vehicle without a permanent top the height of the body sides from the floor shall be not less than 2 feet 4 inches. [1014]

28. The top of the tread of the lowest step for any entrance or exit to a vehicle, other than an emergency exit, shall not be more than 17 inches or less than 10 inches above the ground when the vehicle is empty. All steps shall be fitted with non-slip treads. Fixed steps shall be not less than 9 inches wide and shall in no case project laterally beyond the body of the vehicle unless they are so protected by the front wings (or otherwise) that they are not liable to injure pedestrians. [1015]

29. In the case of a double-decked vehicle :—

- (1) The risers of all steps leading from the lower to the upper deck shall be closed. No unguarded aperture shall be left at the top landing board.
- (2) All steps leading from the lower to the upper deck shall be fitted with non-slip treads.
- (3) The horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase, excluding any grab rail which does not project more than 3 inches from the back of the seat, shall not be less than 26 inches.
- (4) The outer stringer of an outside staircase shall be so constructed, or a band shall be so placed, as to act as a screen to persons ascending or descending, and the height of the outer guard rail shall not be less than 3 feet 3 inches above the front of the tread of each step. [1016]

30.—(1) A single-decked vehicle with a permanent top and the lower deck of a double-decked vehicle shall be provided with not less than two exits (one of which may be an emergency exit) which shall not both be situated on the same side of the vehicle.

Provided that it shall be a sufficient compliance with this paragraph if :—

- (i) the deck communicates with the rear platform by means of a doorless opening and the exit from the platform to the nearside of the vehicle is continuous with an exit to the rear of the vehicle ;
or
 - (ii) the vehicle has a seating capacity for not more than 14 passengers and there is an exit behind the rear wheels.
- (2) Where access is obtained to the upper deck of a vehicle by means of an enclosed staircase and that deck is provided with a permanent top an emergency exit, which need not be provided with a staircase and shall not be on the nearside of the vehicle, shall be provided on the upper deck.
- (3) Every entrance of a vehicle used as a stage carriage (other than a single-decked vehicle not fitted with a permanent top or a vehicle with seating capacity for not more than 14 passengers and provided with a means of exit and entrance behind the rear wheels) shall be on the near side except when a rear platform is provided to which there is an entrance both from the near side and from the rear of the vehicle.

(4) This Regulation shall not apply to any vehicle registered on or before 1st January, 1932, provided that there is one exit in rear of the rear wheels thereof and that the width of the clear opening is not less than 18 inches.

[1017]

31.—(1) Every entrance and exit shall be at least 21 inches in width.

Provided that :—

- (i) where in accordance with proviso (i) to paragraph (1) of the preceding Regulation, one exit only is provided, the width of such exit measured along the rear of the vehicle need not exceed 18 inches if the width of the exit to the side of the vehicle complies with the preceding provisions of this Regulation :
- (ii) the size of an emergency exit from the upper deck of a vehicle shall not be less than 5 feet by 18 inches :
- (iii) where the same entrance is used for both the upper and the lower deck of a vehicle no part of the entrance (exclusive of any stanchion) measured along the nearside of the vehicle shall be less than 36 inches in width.

(2) This Regulation shall not apply to any vehicle registered on or before 1st January, 1932, provided that there is one exit in rear of the rear wheels thereof and that the width of the clear opening is not less than 18 inches.

[1018]

32.—(1) Every entrance and exit door shall be capable of being opened by one operation of the locking mechanism.

Provided that for the purpose of securing the vehicle when unattended it shall be permissible to fit to any entrance or exit door a supplementary lock with or without a detachable actuating mechanism if such lock is so designed and constructed that the door can at all times be opened by a person inside the vehicle by one operation of the ordinary locking mechanism.

(2) Door handles or levers to door catches shall be so designed and fitted that they are not liable to be dislodged or to be operated accidentally. Where any entrances are provided with doors which are intended to remain open

when the vehicle is in motion suitable fastenings shall be provided to hold such doors securely open.

(3) A grab handle shall be fitted to each entrance or exit other than an emergency exit to assist passengers in boarding or alighting from the vehicle.

(4) All doors (including those of emergency exits) shall be so designed as to be readily opened in case of need from both the inside and the outside of the vehicle.

Provided that in the case of vehicles registered before 1st October, 1936, it shall not be necessary for the door of any exit other than an emergency exit to be readily opened from outside the vehicle.

(5) All doors shall open so as not to obstruct clear access to any entrance or exit either from inside or from outside the vehicle. [1019]

33.—(1) The means of operation of all emergency doors shall be clearly indicated.

(2) All emergency exits shall :—

(i) be clearly marked as such ;

(ii) be fitted with doors which open outwards ;

(iii) be easily accessible to the passengers and between any such exit and some gangway there shall be a passage which shall not be of less dimensions than those prescribed in sub-paragraph (i) of paragraph (1) of Regulation 35 of these Regulations for a gangway, and all vehicles registered on or after 1st October, 1938, shall be so designed that a vertical line projected upwards from the centre line of the passage at floor level shall, to a height of 2 feet 6 inches from the floor level, be laterally not less than 6 inches from any part of the vehicle other than any cowling or cover which projects laterally not more than 9 inches from a bulkhead into the passage at floor level and not more than 9 inches above floor level and the provision of which is required by the projection of part of the chassis or mechanism of the vehicle into the body ; provided that in all cases a seat on the upper deck of a vehicle placed below or in front of an emergency exit may be deemed to form part of such passage ; and

(iv) in the case of a single-decked vehicle, or the lower deck of a double-decked vehicle, registered on or after 1st October, 1936, be so situated that passengers can step directly from the passage to the outside of the vehicle.

(3) The actuating mechanism of all emergency exits other than those fitted to an upper deck shall be easily accessible to persons of normal height standing on ground level outside the vehicle.

(4) Paragraphs (2) and (3) of this Regulation shall not apply to any vehicle registered on or before 1st January, 1932, provided that there is one exit in rear of the rear wheels thereof and that the width of the clear opening is not less than 18 inches. [1002]

34.—(1) There shall be unobstructed accessibility from every seat to at least two exits or to one exit where one exit only is required by these Regulations.

Provided that this paragraph of this Regulation shall not apply to :—

(i) any seats alongside the driver, if there is access to such seats by an entrance other than the driver's entrance ;

(ii) seats on any deck of a vehicle if that deck is not provided with a

permanent top and if there is unobstructed accessibility from every seat on that deck to some exit ;

- (iii) any vehicle, other than a vehicle used as a stage carriage, registered before 1st October, 1936.

(2) Direct access shall be provided to the driver's seat either from the offside of the vehicle or by means of a passage which shall not be of less dimensions than those prescribed in paragraph (1) of Regulation 35 of these Regulations for a gangway.

(3) No seat shall be fitted to any door so that when in position for use it obstructs any passage to an exit or gangway required by these Regulations. **[1021]**

35.—(1) (i) The width of every gangway shall be not less than 1 foot up to a height of 2 feet 6 inches from the floor level, and above that height not less than 1 foot 2 inches ; and

(ii) all vehicles registered on or after 1st October, 1938, shall be so designed that a vertical line projected upwards from the centre line of any gangway at floor level shall, to the height prescribed in Regulation 36 hereof as the height of that gangway, be laterally not less than 6 inches from any part of the vehicle other than the roof over the gangway.

(2) No part of any gangway which serves as a joint means of access from any entrance to both the upper and the lower deck of a vehicle shall be less than 36 inches in width.

(3) For the purposes of this Regulation when any space in front of a seat is required for the accommodation of seated passengers the space within 9 inches of the seat shall not be taken into account in measuring the width of a gangway. **[1022]**

36.—(1) The clear height at the centre line of any gangway extending from the front edge of the foremost passenger seat to the front edge of the rearmost passenger seat served by that gangway shall be as follows :—

(i) in the case of a single-decked vehicle, other than a vehicle referred to in sub-paragraph (iii) hereof, fitted with a permanent top and the lower deck of a double-decked vehicle, not less than 5 feet 10 inches if the seating capacity of the vehicle exceeds 14 and not less than 5 feet 3 inches in any other case :

(ii) in the case of the top deck of a double-decked vehicle fitted with a permanent top not less than 5 feet 8 inches :

(iii) in the case of a single-decked vehicle the seating capacity of which exceeds 14 constructed and used solely for the purpose of conveying school-children and any necessary attendants to and from school not less than 5 feet 6 inches :

and in the case of vehicles registered on or after 1st October, 1936, the height provided at the centre line of any part of any gangway shall not be more than 4 inches lower than the height prescribed by this paragraph of this Regulation in respect of the centre line of any gangway extending from the front edge of the foremost passenger seat to the front edge of the rearmost passenger seat served by that gangway.

(2) In the case of a single-decked vehicle without a permanent top, when the hood is extended or raised its height from the floor shall in no place be less than 5 feet along the centre line of the vehicle except over the driver's seat. **[1023]**

37. The supports of all seats shall be firmly fixed in position and at least 16 inches measured in a straight line along the front of each seat shall be allowed for each passenger. [1024]

38.—(1) Every seat shall have a back rest so closed or otherwise constructed as to prevent as far as possible the pockets of passengers being picked ;

(2) No part of the back rest of any seat placed lengthwise shall be less than 54 inches from the corresponding part of the back rest of the seat facing it ;

(3) Transverse seats shall be so fitted that—

(i) there is a clear space of at least 26 inches in front of the whole length of the top of the back rest of every seat, any handles or grips which do not project more than 4 inches from the back rest being disregarded when measuring the clear space herein referred to, and

(ii) there is a clear space of at least 19 inches between any part of the front edge of a seat and any part of any other seat which faces it.

(4) For the purpose of this Regulation the expression “ back rest ” includes any part of the vehicle which is available for passengers to lean against.

Provided that no vehicle registered on or before 1st March, 1937, which complies, without alteration made to the seating accommodation after the said 1st March, with the requirements of the Regulations in force immediately prior to 8th June, 1937, shall be required to comply with the provisions of this Regulation. [1025]

39. Seats over a wheel arch shall not be placed in such a position as to cause discomfort to passengers. [1026]

40. Where any transverse seat is so placed that a passenger seated upon it is liable to be thrown forward through an entrance or down a stairway an effective screen or guard shall be placed so as to provide protection for any passenger occupying the seat. [1027]

41. The shortest distance between the edge of any step well and a vertical plane passing through the front edge of a seat shall not be less than 9 inches.

Provided that this Regulation shall not apply to any vehicle registered before 1st October, 1936. [1028]

42. Glass windows or panels facing any transverse seat which are liable to be broken by passengers being thrown against them shall, unless they are of safety glass, be adequately guarded. [1029]

43. The number of passengers on each deck for whom in accordance with these Regulations seats are provided shall be clearly marked with letters not less than 1 inch in height inside the vehicle (in the case of a double-decked vehicle, inside the lower deck) and on the outside of the vehicle either at the rear or on the near side.

Provided that in the case of a continuous seat the number of passengers for whom that seat is provided shall be so calculated that one person shall be counted for each complete length of 16 inches measured in a straight line lengthwise on the front of each seat ; and where any such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use such seat shall be measured for the purpose of this Regulation as if it had not been fitted with such arms. [1030]

44. Adequate artificial lighting shall be provided for the illumination of every deck with a permanent top. At least one lamp shall be provided as near as is practicable to the top of every staircase leading to an upper deck without a permanent top. [1031]

45. There shall be adequate ventilation for both passengers and driver without the necessity for opening any main window or wind-screen. [1032]

46. Every vehicle shall be so designed that the driver has adequate room and can easily reach and quickly operate the controls. The accommodation for the driver shall be so arranged as to afford adequate protection during inclement weather, and means shall be provided where necessary to prevent light from the interior of the vehicle from incommoding the driver. [1033]

47. The steering pillar shall be on the right or offside of the vehicle, and the driver's seat shall be so placed as to permit him to give by hand the usual traffic signals on the offside of the vehicle.

Provided that this Regulation shall not apply to any vehicle registered on or before the 30th June, 1932, if adequate provision is made to enable the driver to give the usual traffic signals on the offside of the vehicle by mechanical or electrical means. [1034]

48.—(1) There shall not be any seat on the right-hand side of the driver's seat.

(2) Where passengers are carried on the left-hand side of the driver, a space of at least 18 inches from the centre of the steering column to the left thereof shall be reserved for the driver, to be divided off from such passengers by means of a solid partition at least 9 inches high from seat level and extending for the whole depth of the seat. [1035]

49. Where a vehicle is fitted with a front glass windscreen for the driver, an efficient automatic windscreen wiper shall be fitted and the windscreen shall be capable of being opened, if necessary, so as to give the driver a clear view of the road ahead. [1036]

50. Efficient means shall be provided to enable passengers on any deck to signal to the driver. [1037]

51. Every vehicle shall comply in all respects with the requirements as to the construction, weight and equipment of motor vehicles contained in The Motor Vehicles (Construction and Use) Regulations, 1941, which are applicable to the vehicle, and the vehicle including all bodywork, upholstery and fittings shall be soundly and properly constructed of suitable materials well finished and in good and serviceable condition, and of such design that it is capable of withstanding the loads and stresses likely to be met with in operation. [1038]

52. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [1039]

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THE PUBLIC SERVICE VEHICLES (EQUIPMENT AND USE) REGULATIONS, 1941

S. R. & O., 1941, No. 643

April 12, 1941

The Minister of Transport in exercise of the powers vested in him under or by virtue of the Road Traffic Act, 1930, and of all other powers in that behalf vested in him hereby makes the following Regulations to supersede the Public Service Vehicles (Equipment and Use) Provisional Regulations (No. 2) 1931, and all Regulations amending them.

1. These Regulations may be cited as "The Public Service Vehicles (Equipment and Use) Regulations, 1941." [1040]

PART I

Regulations governing the equipment of Public Service Vehicles

2. In or upon every public service vehicle there shall be carried in such a position as to be readily available for use suitable and efficient apparatus for extinguishing fire and such apparatus shall comply with the requirements of the Fire Offices Committee and shall be of one or more of the undermentioned types, namely :—

Foam producing fire extinguisher.

Soda acid chemical fire extinguisher.

Carbon tetra chloride fire extinguisher. [1041]

3. In or upon every public service vehicle which is for the time being used as an express carriage or as a contract carriage there shall be carried :—

(a) a suitable receptacle containing the first aid dressings and appliances specified in the schedule to these Regulations, and of the quality and standard therein prescribed, which shall at all times be maintained in good condition, and

(b) apparatus capable of raising any wheel fitted to the vehicle not less than 6 inches clear of the ground.

Provided that it shall be a good defence to proceedings taken in respect of a failure to carry the apparatus specified in paragraph (b) of this Regulation to prove that all reasonable steps had been taken before the commencement of the journey in question to ensure that means of lifting any wheel of the vehicle not less than 6 inches clear of the ground would, at all times while the vehicle was being so used, have been readily available in case of need. [1042]

4. In or upon every public service vehicle which is for the time being used as an express carriage there shall be fitted an efficient speedometer so placed as to be easily read by the driver of the vehicle. [1043]

PART II

Regulations governing the use of Public Service Vehicles

5. Every entrance, exit and gangway shall be kept clear of obstruction while passengers are being carried.

Provided that for the purposes of this Regulation standing passengers shall not be deemed to form an obstruction. [1044]

6. No person shall be carried on the right hand side of the driver nor shall any article be so carried in such a position as to be liable to obstruct the driver. [1045]

7. The body both externally and internally and all windows and fittings and all seats for passengers shall be maintained in clean and good condition. [1046]

8. The lamp or lamps provided in compliance with the requirements of the Public Service Vehicles (Conditions of Fitness) Regulations, 1941, for the internal illumination of a public service vehicle and on the upper deck of a double-decked vehicle not fitted with a permanent top to the upper deck shall be kept lighted at all times during the hours of darkness when passengers are being carried. [1047]

9. The steering arms shall be kept clean and free from rust. [1048]

10. The exhaust pipe and all apparatus connected therewith shall be maintained in such condition as to prevent so far as practicable any fumes from entering the vehicle. [1049]

11. The petrol tank shall not be filled nor shall any filler cap thereof be removed while the engine is running. [1050]

12. Except for the fuel and lubricant necessary for the use of the vehicle, no explosive, highly inflammable or otherwise dangerous substance shall be carried on a public service vehicle unless it is so packed that, even in the case of an accident to the vehicle, it is unlikely to cause damage or injury to the vehicle or passengers carried therein. [1051]

13. No trailer shall be drawn by a public service vehicle.

Provided that this Regulation shall not apply to the drawing of one empty public service vehicle by another empty public service vehicle in case of emergency. [1052]

14. The person to whom a public service vehicle licence issued under the Road Traffic Act, 1930, is granted and issued in respect of any vehicle shall not cause or permit such vehicle to be used as a public service vehicle unless the name and address of the authority, company, firm or individual to whom or to whose representative the licence was issued, are painted in a conspicuous position on the near side of the vehicle in letters easily legible and not less than one inch in height. [1053]

15.—(a) The seating capacity of a public service vehicle shall be calculated in accordance with the provisions of Regulation 3 of the Hackney Motor Vehicles (Seating Capacity) Regulations, 1927, and the number of passengers carried on the vehicle shall not exceed the seating capacity so ascertained.

Provided that in the case of a stage carriage carrying a conductor, where additional passengers not exceeding 25 per cent. of the number for which the deck has seating capacity and not exceeding five in number are carried in a single decked vehicle or on the lower deck of a double decked vehicle, a person shall not be convicted of an offence under this Regulation if he satisfies the Court that the additional passengers were taken up during hours of peak traffic or in circumstances in which undue hardship would have been caused to such passengers if they had not been carried on the vehicle.

Provided also that where only children not exceeding 15 years of age and not more than six necessary attendants are carried on a public service vehicle any three of such children may be reckoned as two passengers for the purpose of this Regulation; and a child who attains the age of 15 years during a

school term, or in Scotland during a period between two dates for terminating school attendance prescribed by the Education Authority of the area in which the child resides, shall not for the purpose of this Regulation be deemed to be more than 15 years of age during the continuance of that term or period as the case may be.

(b) Nothing in this Regulation shall prejudice the power of any Traffic Commissioners to attach to any road service licence a condition prohibiting the conveyance of additional passengers. [1054]

16.—(a) Where a public service vehicle is being used as a stage carriage a conductor shall be carried thereon if the seating capacity thereof exceeds 20 passengers.

Provided that in the case of a single decked vehicle the seating capacity of which does not exceed 26 no conductor need be carried if either (i) no adult fare is less than 6d., or (ii) the Traffic Commissioners have certified that in their opinion a conductor is not required on the particular service upon which or in the particular circumstances in which the vehicle is being used.

(b) Nothing in this Regulation shall prejudice the power of any Traffic Commissioners to attach to any road service licence a condition requiring a conductor to be carried on any stage or express carriage. [1055]

17. Every speedometer provided in compliance with the requirements of Regulation 4 hereof shall, at all material times, be maintained in good working order and kept free from any obstruction which might prevent its being easily read by the driver of the vehicle. [1056]

18. If any person uses or permits to be used a public service vehicle in contravention of or fails to comply with any of these Regulations he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds. [1057]

19. The provisions of these Regulations are in addition to and not in derogation of the provisions of the Motor Vehicles (Construction and Use) Regulations, 1941. [1058]

20. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [1059]

* * * * *

SCHEDULE

One 2 oz. bottle Sal Volatile (with amount of dose, mode of administration and a warning "NOT TO BE ADMINISTERED IN CASE OF HÆMORRHAGE" printed on the label).

One 1 oz. bottle of iodine (2 per cent. alcoholic solution).

One tourniquet.

One telescopic splint.

One large sterilized dressing suitable for burns and wounds (not less than 3 inches × 3 inches).

Three medium sterilized wound dressings (gauze and wool or lint and wool not less than 2 inches × 2 inches).

One roll sterilized cotton wool (not less than $\frac{1}{2}$ oz.).

Three roller bandages (3 inches × 6 yards).

Two triangular bandages or one triangular bandage and one flannel bandage (not less than 2 inches × 3 yards).

One roll of surgical strapping (not less than 1 inch × 3 yards or $\frac{1}{2}$ inch × 5 yards).

One pair of Spencer Wells pressure forceps.

One pair rustless scissors.

Two eye-pads.

One box large strong safety pins.

All materials for dressings and bandages including cotton wool shall be those designated in, and of a grade or quality not lower than the standards prescribed by, the current British Pharmaceutical Codex, and all instruments and appliances shall be of reliable quality and of suitable design and construction. [1060]

THE STANDING PASSENGERS (No. 2) ORDER, 1941

S. R. & O., 1941, No. 1680

October 22, 1941

The Minister of War Transport by virtue of his powers under Regulation 70 of the Defence (General) Regulations, 1939, and of all other powers enabling him in that behalf hereby makes the following Order :—

1. The Standing Passengers Order, 1939, and the Standing Passengers Order, 1941, are hereby revoked. [1061]

2. Notwithstanding anything contained in Regulation 15 of the Public Service Vehicles (Equipment and Use) Regulations, 1941—

(1) a public service vehicle which is either a stage carriage or an express carriage, and which carries a conductor may carry, subject to the conditions specified in paragraph 3 hereof, a number of standing passengers not exceeding one-third of the number of passengers for which the vehicle, or in the case of a double-decked vehicle the lower deck, has seating capacity, or 8, whichever number is the less ;

(2) Regional Transport Commissioners are hereby authorised to permit—

(i) single-decked public service vehicles specially constructed or adapted for the purpose to carry, subject to such conditions as the Commissioners think fit, on specified services, or in specified areas, a number of standing passengers not exceeding the number of passengers for which the vehicle has seating capacity, or 30, whichever number is the less ;

(ii) public service vehicles on specified services or in specified areas to carry, subject to the conditions specified in paragraph 3 hereof, a number of standing passengers not exceeding one-half of the number of passengers for which the vehicle, or in the case of a double-decked vehicle the lower deck, has seating capacity, or 12, whichever number is the less.
[1062]

3. The conditions aforesaid are that, except in the case of a single-decked public service vehicle specially constructed or adapted for the purpose of carrying standing passengers, no standing passengers shall be carried by virtue of the provisions of this Order—

(a) on the upper deck of a double-decked vehicle ;

(b) if there is any vacant seat in the vehicle. [1063]

4. This Order may be cited as The Standing Passengers (No. 2) Order, 1941, and shall come into force forthwith. [1064]

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THE STANDING PASSENGERS (No. 3) ORDER, 1941

S. R. & O., 1941, No. 2104

December 26, 1941

In exercise of his powers under Regulation 70 of the Defence (General) Regulations, 1939, and of all other powers enabling him in that behalf, the Minister of War Transport hereby orders as follows :—

1. The Standing Passengers Order, 1940, is hereby revoked. [1065]
2. For the purpose of this order—
 “deck” means, in the case of a trolley vehicle having more than one deck, the lower deck ; and
 “seating capacity” shall be calculated in accordance with the provisions of Regulation 3 of the Hackney Motor Vehicles (Seating Capacity) Regulations, 1927. [1066]
3. Notwithstanding anything in any enactment or in any order, byelaw or regulation made thereunder and provided that no standing passengers are carried on the upper deck of a vehicle :—
 - (1) a trolley vehicle may carry standing passengers, not exceeding one-third of the number of passengers for which the deck has seating capacity and not exceeding eight in number.
 - (2) Regional Transport Commissioners are hereby authorised to permit trolley vehicles on specified services or in specified areas to carry a number of standing passengers not exceeding one-half of the number of passengers for which the deck has seating capacity, or 12, whichever number is the less. [1067]
4. Nothing in this Order shall :—
 - (a) restrict any right to carry standing passengers in trolley vehicles conferred by or under any enactment ; or
 - (b) permit any standing passengers to be carried in a trolley vehicle running on any part of any route in connection with the approval of which a condition has been imposed that no standing passengers shall be carried in any trolley vehicle running on that part of that route. [1068]
5. This Order may be cited as “The Standing Passengers (No. 3) Order, 1941”. [1069]

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THE BIRMINGHAM CORPORATION (TROLLEY VEHICLES) ORDER, 1941

S. R. & O., 1941, No. 1608

October 13, 1941

In virtue of his powers under Regulations 54B and 56 of the Defence (General) Regulations, 1939, and of all other powers enabling him in that behalf the Minister of War Transport hereby orders and directs as follows :—

1. Subject to the conditions and restrictions specified in paragraph 2 hereof, the Lord Mayor, Aldermen and Citizens of the City of Birmingham (hereinafter called “the Corporation”)—

- (1) shall provide, maintain and equip the trolley vehicle route in the City of Birmingham and the Urban District of Solihull hereunder described, namely—

A route 1 mile 4 furlongs or thereabouts in length, commencing in Lode Lane at its junction with Coventry Road by a junction with the trolley vehicle route authorised by the Birmingham Corporation Act, 1935, thence proceeding along Lode Lane and Valiant Way and terminating in Valiant Way with a turning point 425 yards from the junction of Lode Lane and Valiant Way ;

- (2) shall operate a service of trolley vehicles on the said route as part of their trolley vehicle undertaking, and shall in respect of the vehicles used on such service be exempt from any statutory obligations or restrictions from which they are exempt in respect of their trolley vehicle undertaking. [1070]

2.—(1) The said route shall not be opened for public traffic until the Corporation have satisfied the Minister of War Transport that it is fit for such traffic.

(2) The conditions and restrictions contained in the sections of the Birmingham Corporation Act, 1922, which are referred to in section 14 of the Birmingham Corporation Act, 1935, shall apply to the said route and service as if they were enumerated in this Order.

(3) The regulations and byelaws applicable to the existing trolley vehicle services of the Corporation shall apply to the said service. [1071]

3. This Order may be cited as the Birmingham Corporation (Trolley Vehicles) Order, 1941. [1072]

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THE EMERGENCY POWERS (DEFENCE) ROAD VEHICLES AND DRIVERS ORDER, 1941

S. R. & O., 1941, No. 304

March 1, 1941

In exercise of the powers conferred on him by Regulation 53, Regulation 56 and Regulation 72 of the Defence (General) Regulations, 1939, and of all other powers enabling him in that behalf, the Minister of Transport (hereinafter called "the Minister") hereby orders as follows :—

In this Order, unless the context otherwise requires,

"regulation" means a regulation of the Defence (General) Regulations, 1939.

"Minister" means the Minister of Transport.

"Commissioner" means a person appointed by the Minister to be a Regional Transport Commissioner or Deputy or Assistant Regional Transport Commissioner, and, in relation to the issue to persons residing in the Metropolitan Traffic Area as defined in the Road and Rail Traffic Act, 1933, of permits to act as a driver or conductor of a public service vehicle, the Commissioner of Police of the Metropolis.

"designated officer" means a person appointed by the Minister as a Chief Assistant to a Regional Transport Commissioner, or as a District Transport Officer or as a Traffic Officer.

"public service vehicle", "public service vehicle licence" and "road service licence" have the meanings respectively assigned to them by the Road Traffic Act, 1930.

"local authority" means a local authority to whom section 101 of the Road Traffic Act, 1930, applies.

"carriers' licence" means a licence under Part I of the Road and Rail Traffic Act, 1933.

"identity certificate" means an identity certificate issued for the purposes of regulation 12 of the Goods Vehicles (Licences and Prohibitions) Regulations, 1936. [1073]

Requisition of horses, vehicles and equipment

1. A Commissioner or a designated officer may

- (a) requisition any horse and any equipment thereof, any vehicle and any equipment thereof and any accessories for the maintenance or repair of vehicles;
- (b) use or deal with property so requisitioned;
- (c) direct that no person shall, having in his possession or under his control property which might be requisitioned under this Order, remove or cause or permit to be removed that property from the premises where it is. [1074]

Drivers' and Conductors' Permits

2.—(1) For the purpose of paragraphs (1) and (1A) of regulation 72 a Commissioner may by a permit in the form specified in Schedule A to this Order authorise.

- (a) any person holding either a driving licence licensing him to drive vehicles included in Group I of the Second Schedule to the Motor Vehicles (Driving Licences) Regulations, 1937, or a National Service Driving Licence issued under the Emergency Powers (Defence) Road Vehicles and Drivers Order, 1939, permitting him to drive motor vehicles of all descriptions, to act as a driver of a public service vehicle, or
- (b) any person to act as a conductor of a public service vehicle.

(2) Subject to the provisions of paragraph 9 hereof a permit issued after the 31st of July, 1940, under this paragraph shall be valid for two years from the date of issue and the period of validity of every such permit which is in force at the date hereof is hereby extended for a further period of one year from the date on which such permit is expressed to expire.

(3) The holder of a licence to drive, or to act as conductor of, a public service vehicle, issued by virtue of section 77 of the Road Traffic Act, 1930, and valid at the 31st of July, 1940, is hereby authorised to drive, or act as conductor of, a public service vehicle, as the case may be, for a period of one year from the date on which such licence is expressed to expire, provided that a Commissioner may at any time revoke or suspend such authority as if it were a permit issued under this paragraph, and provided that in the case of a licence to drive, such authority shall authorise the holder to drive only such type or types of public service vehicle as were specified in his licence.

(4) Any person of not less than twenty-one years of age, being the holder of a licence to drive vehicles included in Group 1 of the Second Schedule to the Motor Vehicles (Driving Licences) Regulations, 1937, or of a National Service Driving Licence issued under the Emergency Powers (Defence) Road Vehicles and Drivers Order, 1939, permitting him to drive motor vehicles of

all descriptions is hereby authorised to drive a heavy goods vehicle within the meaning of section 31 of the Road Traffic Act, 1931. [1075]

Legal Proceedings in relation to use of Vehicles

3. In any proceedings which may be taken in respect of the use of a vehicle on any occasion in contravention of section 67 or section 72 of the Road Traffic Act, 1930, or of section 1 of the Road and Rail Traffic Act, 1933, it shall be a defence to prove that the vehicle was on that occasion being used under the authority of this Order or of any permit or defence permit issued thereunder. [1076]

Public Service Vehicles

4.—(1) A Commissioner may upon payment of a fee of £2 issue in respect of any public service vehicle (whether a certificate of fitness is in force in relation to that vehicle or not) a permit in lieu of a public service vehicle licence.

(2) Such permit shall have printed on the face of it the words "defence permit" and otherwise shall be in the same form as a public service vehicle licence and shall, subject to the provisions of paragraph 9 hereof, be valid for a period of one year from the date of issue.

(3) Such permit shall at all times during its currency be exhibited on the vehicle in respect of which it is issued in the manner prescribed for a public service vehicle licence by the Public Service Vehicles (Licences and Certificates) Regulations, 1934. [1077]

5. A Commissioner may issue to the holder of a road service licence a permit, in the form specified in Schedule B to this Order for the period stated in the permit, authorising him to provide such a road service as may be specified in the permit, upon the terms and conditions of his road service licence subject to any modifications expressed in the permit. [1078]

6. A Commissioner may on receipt of a fee of 5s. issue a permit in the form specified in Schedule C to this Order authorising for a period not exceeding one week a temporary road service subject to any conditions expressed in the permit. [1079]

7. A Commissioner may on receipt of a fee of £1 issue a permit in the form specified in Schedule D to this Order authorising for a period exceeding one week but not exceeding one year a road service subject to any conditions expressed in the permit. [1080]

8. A local authority may run public service vehicles on any road in accordance with a permit issued in accordance with paragraph 5, 6 or 7 of this Order notwithstanding that consent of the Traffic Commissioners may not have been obtained in accordance with the provisions of section 101 of the Road Traffic Act, 1930. [1081]

Revocation and Suspension of Permits

9.—(1) A Commissioner may at any time revoke or suspend any permit issued under paragraph 2, 4, 5, 6 or 7, or vary by endorsement any permit issued under paragraph 5, 6 or 7 of this Order.

(2) If a certifying officer or a public service vehicle examiner appointed under section 69 of the Road Traffic Act, 1930, is of opinion that a public service vehicle owing to any defects therein, is or is likely to become unfit for service until the defects have been remedied, he may serve upon the person authorised to use the vehicle in virtue of a permit issued under paragraph 4

of this Order a notice forbidding the use of the vehicle until the defects have been remedied, and thereupon the authority of the permit shall be suspended until a certifying officer or a public service vehicle examiner has withdrawn the notice.

Provided that, where in the opinion of such officer or examiner the defects are such as can be remedied within forty-eight hours, and are not defects which involve danger to the public, the notice shall not operate before the expiration of forty-eight hours and shall not operate after the expiration of that period, if such officer or examiner, being satisfied that the defects have been or are in course of being remedied, withdraws the notice before the expiration of that period.

Provided further that the provisions of sub-section (4) of section 71 of the Road Traffic Act, 1930, shall apply as though the permit were a public service vehicle licence, and "the Commissioner" were substituted for the expression "the commissioners". [1082]

Goods Vehicles

10.—(1) Any goods vehicle which is authorised under a carriers' licence, and to which is affixed a valid identity certificate may, subject to the provisions of paragraph 12 hereof, be used by the holder of the licence as he thinks fit from time to time either for the carriage of goods of all classes for any distance for hire or reward or for the purposes of any trade or business carried on by him.

(2) A Commissioner may issue in respect of any goods vehicle a permit (herein referred to as a "defence permit") and the vehicle may, subject to such conditions restricting the use of the vehicle as the Commissioner may think fit to attach, be used by the holder of the defence permit as he thinks fit from time to time either for the carriage of goods of all classes for any distance for hire or reward or for the purposes of any trade or business carried on by him.

(3) A defence permit shall have printed on the face of it the words "defence permit" and shall otherwise be in the same form as an identity certificate.

(4) It shall be a condition of every defence permit that

- (a) the provisions of sub-sections (1) and (4) of section 16 of the Road and Rail Traffic Act, 1933, and the Regulations made thereunder shall be complied with as though such defence permit were a licence within the meaning of that Act;
- (b) a Commissioner shall have as regards a defence permit the like powers to dispense with the requirements of such Regulations as the licensing authority has as regards a licence under sub-section (3) of the said section 16; and
- (c) it shall be affixed in the manner prescribed for an identity certificate by the Goods Vehicles (Licences and Prohibitions) Regulations, 1936. [1083]

11.—(1) The fee payable to the Commissioner for the issue of a defence permit and the period of currency of such permit shall be :—

- (a) in the case of a person who in the opinion of the Commissioner might, but for the existence of a state of emergency, have reasonably applied for an "A" carriers' licence :

Fee : £1 10s.

Currency : one year.

- (b) in the case of a person who in the opinion of the Commissioner might, but for the existence of a state of emergency, have reasonably applied for a " B " carriers' licence :

Fee : £1 15s.

Currency : one year.

- (c) in the case of a person who in the opinion of the Commissioner might, but for the existence of a state of emergency, have reasonably applied for a " C " carriers' licence :

Fee : £1 5s.

Currency : five years.

Provided that the Commissioner may in his discretion issue a defence permit for a currency not exceeding three months at a fee of 10s. and the period of such currency shall be stated in the permit.

Provided also that the Commissioner may, if for administrative reasons he deems it desirable, issue a defence permit for such period, being shorter than the full currency period, as he may deem to be expedient ; and the fee payable for such a permit—

- (i) for which the fee for the full currency period would be £1 10s. shall be 2s. 6d. for each month or part of a month ;
- (ii) for which the fee for the full currency period would be £1 15s. shall be 3s. for each month or part of a month ; and
- (iii) for which the fee for the full currency period would be £1 5s. shall be 2s. 6d. for each period of six months or part of such period.

(2) Where, during the currency of an identity certificate or a defence permit, a vehicle is substituted for the vehicle therein identified, the Commissioner may issue without fee a defence permit in respect of the substituted vehicle valid for the remainder of the currency of the original certificate or permit and the Commissioner may require as a condition of such issue the return of the original certificate or permit.

(3) On the expiry of an identity certificate and on the payment of any instalment of the fee then due in respect of the vehicle as provided in regulation 14 of the Goods Vehicles (Licences and Prohibitions) Regulations, 1936, a Commissioner may issue a defence permit in lieu of a further identity certificate. [1084]

12. If a Commissioner serves upon any person authorised to use a vehicle under paragraph 10 of this Order a notice stating that in his opinion it is inexpedient that such person should continue to use the vehicle under that authority, then that authority shall cease, but the Commissioner may issue to such person without further fee a new defence permit authorising him to use his vehicle in accordance with such conditions as may be stated in that permit ; such permit shall be expressed to expire not later than the date of expiry of the original certificate or permit and the Commissioner may require as a condition of such issue the return of the original certificate or permit. [1085]

Conditions of Permits and Defence Permits

13.—(1) It shall be a condition of every permit or defence permit issued under this Order that it shall be returned on demand to the Commissioner who issued it.

(2) It shall be a condition of every permit or defence permit specified in column 2 of Schedule E to this Order that the provisions of the regulations specified opposite thereto in column 1 of that Schedule shall be complied

with as though the permit or defence permit were a licence within the meaning of those regulations and "the Commissioner" were substituted for the expression "the commissioners" or "the licensing authority" wherever they occur. [1086]

Duplicate Permits and Defence Permits

14. A Commissioner, if he is satisfied that a permit issued under paragraph 2 or under paragraph 4 of this Order or a defence permit issued under paragraph 10 or 12 of this Order has been lost, destroyed or defaced, may issue on payment of the appropriate fee specified hereunder a duplicate so marked, and the duplicate so issued shall have the same effect as the original permit.

	<i>Fee.</i> <i>s. d.</i>
For a duplicate of a permit issued under paragraph 2 or of a defence permit issued under paragraph 9 or paragraph 11..	1 0
For a duplicate of a permit issued under paragraph 4 ..	2 6

[1087]

15.—(1) Section 19 of the Road Traffic Act, 1930, as amended shall not apply in relation to the driving of motor vehicles while used for the haulage of materials :—

- (a) for Government or local authority purposes in defence services ;
- (b) in connection with any contract for constructional work for defence purposes on behalf of any Government Department ; or
- (c) in connection with repairs to public utility undertakings rendered urgently necessary by reason of enemy action.

Provided that no person shall cause or permit any person employed by him or subject to his orders to drive for any period of driving in excess of that permitted under that section unless the fact that the driver is employed on such work has been entered by the holder of the licence or defence permit on the current record required to be kept by him and unless immediately after each excess period of driving the driver has at least ten consecutive hours for rest.

(2) A Commissioner may—

- (i) as regards goods vehicles, on the application of an organisation representative of operators of goods vehicles and after consultation with an organisation representative of drivers of goods vehicles in the district, or
- (ii) as regards public service vehicles, on the application of an organisation representative of operators of public service vehicles and after consultation with an organisation representative of drivers of public service vehicles in the district,

by Order, in the form specified in Schedule F to this Order, subject to such restrictions and obligations with respect to hours of work and hours for rest, as he thinks fit, direct that the said section 19 as amended, shall not apply in relation to the driving of motor vehicles of such classes as may be specified in the Order used for the purposes of any such work, and in any such locality, as may be specified in the Order, for such period as the said Commissioner may prescribe, not being longer than three months.

Provided that such work shall be work which appears to the said Commissioner to be essential for the defence of the realm or the efficient prosecution of the war, or to be essential to the life of the community.

(3) For the purpose of this paragraph the expression "organisation representative of operators of goods vehicles" includes any organisation of persons who use goods vehicles for the carriage of goods other than for hire or reward for or in connection with any trade or business carried on by them. [1088]

Exemption from licensing provisions of the Finance Act, 1920, and the Roads Act, 1920

16. A certificate issued in pursuance of paragraph (5) of regulation 72 shall be—

- (a) in the case of a vehicle being used for the purposes of His Majesty's Service, in the form specified in Schedule G to this Order, and signed by the user of the vehicle or by some duly authorised person in his behalf;
- (b) in the case of a service controlled by a local authority, in the form specified in Schedule H to this Order, signed on behalf of a local authority exercising functions in connection with a service designated by the Minister and bearing the impression of the stamp of the Ministry of Transport;
- (c) in any other case, in the form specified in Schedule I to this Order, signed on behalf of and bearing the impression of the stamp of the Ministry of Transport. [1089]

Citation and Revocation

17. The Emergency Powers (Defence) Road Vehicles and Drivers Order, 1940, and all Orders amending it and the Local Authorities Public Service Vehicles Order, 1939, are hereby revoked. [1090]

18. This Order may be cited as "The Emergency Powers (Defence) Road Vehicles and Drivers Order, 1941." [1091]

SCHEDULE A

(See Paragraph 2.)

.....name) of
(address) is hereby permitted to act as
 * a driver
 * a conductor } of a public service vehicle
 *of the following classes or types.....

Badge No.

for two years from the date of this Permit.

* Delete words inapplicable.

Date.....

Fee Nil.

Authorised by the Minister
of Transport.

Signature of Holder..... [1092]

SCHEDULE B

(See Paragraph 5.)

Permit in lieu of current road service licence

Mr. (Messrs.).....being the holder of Road Service Licence No. is/are hereby permitted to provide a road service [specify the service] upon the terms and conditions of the said Road Service Licence subject to the modifications set out in the attached schedule.

This Permit is valid from.....to.....

Authorised by the Minister
of Transport.

Date of issue..... [1093]

SCHEDULE C

(See Paragraph 6.)

Permit in lieu of Road Service Licence not in excess of one week

Mr. (Messrs.) is/are hereby permitted to provide a road service [specify the service] subject to the conditions set out in the attached schedule(s).

Date of issue

Authorised by the Minister
of Transport.

Period of validity from to

Fee 5s. paid. [1094]

SCHEDULE D

(See Paragraph 7.)

Permit in lieu of Road Service Licence for more than a week

Mr. (Messrs.) is /are hereby permitted to provide a road service [specify the service] subject to the conditions set out in the attached schedule(s).

Authorised by the Minister
of Transport.

Date of issue

Period of validity from to

Fee £1 paid. [1095]

SCHEDULE E

(See Paragraph 13.)

*Column 1**Column 2**Regulations**Permit or defence permit issued under this Order*

Regulations 8, 9, 10, 11, 14, 15, 16, 17, 18 and 19 of the Public Service Vehicles (Drivers' and Conductors' Licences) Regulations, 1934; and so much of the Public Service Vehicles (Conduct of Drivers, Conductors and Passengers) Regulations, 1936, and of the Public Service Vehicles (Lost Property) Regulations, 1934, as relate to drivers and conductors.

Permit to act as driver or conductor of a public service vehicle issued under paragraph 2.

Regulations, 11, 12, 13 and 14 of the Heavy Goods Vehicles (Drivers' Licences) Regulations, 1936.

Permit to act as driver of a heavy goods vehicle issued under paragraph 2.

Regulations 9, 10, 13, 23, 24, and 50 of the Public Service Vehicles (Licences and Certificates) Regulations, 1934.

Permit issued under paragraph 4, 5, 6 or 7.

Regulations 17, 18, 21 and 22 of the Goods Vehicles (Licences and Prohibitions) Regulations, 1936.

Defence permit issued under paragraph 9 or 11. [1096]

SCHEDULE F.

(See Paragraph 15.)

In exercise of the powers conferred on me by the Emergency Powers (Defence) Road Vehicles and Drivers Order, 1941, I hereby order as follows :—

Section 19 of the Road Traffic Act, 1930, as amended, shall not apply in relation to the driving of motor vehicles [here specify the classes] used for the purpose of in subject to the following restrictions and obligations :—

(1) After each excess period of driving the driver must have at least
hours of rest.

(2) Any other appropriate conditions.

This Order shall remain in force until

(Signed)
Authorised by the Minister of Transport.
[1097]

SCHEDULE G

(See Paragraph 16.)

Defence of the Realm

.....*

This vehicle is being used for the purpose of

HIS MAJESTY'S SERVICE

in a case of emergency.

Signed

Rank

Unit

* Insert here Index Mark and Registration Number of vehicle or other identifying number. [1098]

SCHEDULE H

(See Paragraph 16.)

Defence of the Realm

.....

This vehicle is being used in a case of emergency for designated services.

Signed on behalf of

[stamp or stamps]

Not to be used after [date of expiry]. [1099]

* Insert here Index Mark and Registration Number of vehicle or other identifying number.

THE EMERGENCY POWERS (DEFENCE) ROAD VEHICLES AND DRIVERS (AMENDMENT) ORDER, 1941

S. R. & O., 1941, No. 1089

July 17, 1941

The Minister of War Transport, in exercise of the powers conferred upon him by Regulation 72 of the Defence (General) Regulations, 1939, and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. The Emergency Powers (Defence) Road Vehicles and Drivers Order, 1941, shall have effect as though the following sub-paragraphs were substituted for sub-paragraphs (2) and (3) of paragraph 2 thereof :—

“(2) Subject to the provisions of paragraph 9 hereof a permit issued under this paragraph after the date when this Order becomes operative shall be valid for two years from the date of issue, and the period of validity of every such permit which is in force at the date when this Order becomes operative is hereby extended for a further period of one year from the date when it would have expired but for the making of this Order.

“(3) The holder of a licence to drive or to act as conductor of a public service vehicle issued by virtue of section 77 of the Road Traffic Act, 1930, and in force at the date when this Order becomes operative is hereby authorised to drive or act as conductor of a public service vehicle as the case may be for a period of two years from the date on which such licence is expressed to expire : Provided that a Commissioner may at any time revoke or suspend such authority as if it were a permit issued under this paragraph, and provided that in the case of a licence to drive, such authority shall authorise the holder to drive only such type or types of public service vehicle as were specified in his licence.” [1100]

2. This Order shall come into force on the 31st day of July, 1941, and may be cited as “The Emergency Powers (Defence) Road Vehicles and Drivers (Amendment) Order, 1941.” [1101]

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THE EMERGENCY POWERS (DEFENCE) ROAD VEHICLES AND DRIVERS (AMENDMENT) (No. 2) ORDER, 1941

S. R. & O., 1941, No. 1880

The Minister of War Transport in exercise of his powers under Regulation 72 of the Defence (General) Regulations 1939, and of all other powers enabling him in that behalf hereby makes the following Order :—

1. The Emergency Powers (Defence) Road Vehicles and Drivers Order, 1941, shall have effect as though the following sub-paragraph were inserted as sub-paragraph (5) of paragraph 2 thereof :—

“(5) The holder of a licence to drive a tram, a trolley vehicle or a hackney carriage or to act as conductor of a tram or a trolley vehicle issued under the provisions of section 8 of the Metropolitan Public Carriage Act, 1869, and in force on the 1st December, 1941, is hereby authorised to drive or act as conductor, as the case may be, of such vehicle for a period of one year from the date of expiry of such licence, provided that—

(a) the requirements and conditions attached to such licence shall continue to be observed, during the currency of the authority, and

(b) the authority may be at any time revoked or suspended by the Commissioner of Police of the Metropolis.” [1102]

2. This Order shall come into force on the 1st day of December, 1941, and may be cited as “The Emergency Powers (Defence) Road Vehicles and Drivers (Amendment) (No. 2) Order, 1941.” [1103]

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PUBLIC UTILITY UNDERTAKINGS

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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL AMENDING REGULATION . . . 56 . . . OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 437

March 26, 1941

* * * * *

3. The following amendments shall be made in Regulation fifty-six of the principal Regulations :—

(a) In paragraph (1), the words from “ and the competent authority ” to “ this paragraph authorises ” shall be omitted and the words following shall be substituted therefor—

“ (1A) The competent authority may give, with respect to any public utility undertaking or any class or description of public utility undertakings, such directions prohibiting or regulating the publication of copies of accounts, reports, or other documents relating to the undertaking, or to undertakings of that class or description, as the authority thinks proper in the interests of the public safety, the defence of the realm, or the efficient prosecution of the war ;

Provided that any such directions shall make provision whereby such accounts, reports, or other documents may be inspected at the offices of the undertaking by persons who, but for the directions, would have been entitled to receive information as to the contents thereof ;

(1B) In the interests of the public safety, the defence of the realm, the efficient prosecution of the war, or the maintenance of supplies and services essential to the life of the community, the competent authority may by order relax any obligation or limitation imposed, with respect to any public utility undertaking or any class or description of public utility undertakings, by, or by virtue of, any Act or other instrument determining the functions of the undertakers, and in particular may authorise the undertakers to make, in connection with the carrying on of any such undertaking, charges in excess of, or in addition to, those which they would otherwise be authorised to make ; and any such order may contain such incidental and supplementary provisions as appear to the competent authority to be necessary or expedient in consequence of the making of the order.

(1c) Nothing in section three of the Rules Publication Act, 1893, shall apply to any order made under the last foregoing paragraph.

(1d) For the avoidance of doubt it is hereby declared that the foregoing paragraphs authorise,”

(b) In sub-paragraph (d) of paragraph (4), for the words “ His Majesty in Council ” there shall be substituted the words “ the Treasury.”
[1104]

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5. Any order made under Regulation fifty-six of the principal Regulations before the coming into operation of this Order shall continue in force and have effect as if it had been made under the said Regulation as amended by this Order. [1105]

* * * * *

ORDER IN COUNCIL . . . AMENDING REGULATION . . . 56 . . . OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 653

May 9, 1941

7. In paragraph (1) of Regulation fifty-six of the principal Regulations, for the words “ the last preceding Regulation ” there shall be substituted the words “ Regulation fifty-five of these Regulations.” [1106]

* * * * *

ORDER IN COUNCIL AMENDING REGULATION . . . 56 . . . OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 954

July 1, 1941

At the Court of Buckingham Palace, the 1st day of July, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

* * * * *

4. At the end of paragraph (6) of Regulation fifty-six of the principal Regulations there shall be added the words “ and as if in paragraph (1d) the words from ‘ or is under the control ’ to the end of the paragraph were omitted ”. [1107]

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**ORDER IN COUNCIL AMENDING REGULATION . . . 56 OF
THE DEFENCE (GENERAL) REGULATIONS, 1939**

S. R. & O., 1941, No. 1597

* * * *

3. In paragraph (6) of Regulation fifty-six of the principal Regulations, for the words "and the Minister of Agriculture and Fisheries" there shall be substituted the words "the Minister of Agriculture and Fisheries and, in relation to any undertaking for the supply of electricity, the Board of Trade."

[1108]

* * * *

S. R. & O., 1941, No. 2052

December 18, 1941

**ORDER IN COUNCIL AMENDING REGULATION . . . 56 . . .
OF THE DEFENCE (GENERAL) REGULATIONS, 1939**

* * * *

In paragraph (1D) of Regulation fifty-six of the said Regulations, for the words "by a person authorised in that behalf by the competent authority" there shall be substituted the words "under the control of an authorised controller."

[1109]

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**DIRECTIONS, DATED APRIL 1, 1941, MADE BY THE MINIS-
TER OF TRANSPORT UNDER REGULATION 56 OF THE
DEFENCE (GENERAL) REGULATIONS, 1939**

S. R. & O., 1941, No. 452

April 1, 1941

The Minister of Transport (hereinafter called "the Minister") in pursuance of the powers conferred upon him by Regulation 56 of the Defence (General) Regulations, 1939, hereby directs as follows:—

No person carrying on any undertaking of a class mentioned in the Schedule hereto shall publish, or permit to be published, copies of the accounts of that undertaking, or any report or other document relating to the operation of that undertaking which discloses information contained in those accounts.

Provided always that this direction shall not relieve any such persons from any obligation to furnish the Electricity Commissioners with a copy of such accounts report or document, or prevent them from supplying copies thereof to any Government Department, or to any local authority, or to the auditors of the undertaking, or to such other persons as may be authorised in that behalf in writing by the Minister.

Provided also that such accounts, reports and documents may be inspected at the office of the undertaking by any person who but for this direction would have been entitled to receive or inspect copies thereof and who shall have given to the undertaking notice in writing of his desire so to do not less than seven days previously. [1110]

THE SCHEDULE

Any of the following undertakings (including an undertaking carried on by a local authority) the carrying on of which is authorised by any Act (whether public, general or local) or by any Order made under or confirmed by an Act—

Any undertaking for the supply of Electricity ;

Any canal, inland navigation, water transport, dock, harbour or pier undertaking ;

Any railway undertaking, the control of which has not been taken by the Minister under the Defence (General) Regulation, 1939.

Any light railway (but not a tramway) undertaking. [1111]

PUBLIC WORKS LOANS ACTS

See FINANCE.

RACECOURSE

See RATES AND RATING.

RAILWAYS

ORDERS, CIRCULARS AND MEMORANDA :—

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**ORDER IN COUNCIL ADDING REGULATION . . . 69A TO,
AND AMENDING REGULATION . . . 100 OF, THE
DEFENCE (GENERAL) REGULATIONS, 1939**

S. R. & O., 1941, No. 579

April 25, 1941

At the Court at Buckingham Palace, the 25th day of April, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

* * * * *

3. After Regulation sixty-nine of the principal Regulations there shall be inserted the following Regulation :—

“ **69A.**—(1) Any person authorised by the Minister of Transport to act under this Regulation may, for any purposes connected with the securing of the public safety, the defence of the realm, the efficient prosecution of the war or the maintenance of supplies and services essential to the life of the community—

- (a) construct a railway across any highway, either by means of a level crossing or by means of a bridge under or over the highway ;
- (b) alter, improve or reconstruct any existing bridge carrying a highway over a railway, or a railway over a highway, or the approaches to any such bridge, or widen any existing level crossing over a highway.

(2) The Minister of Transport, if it appears to him to be necessary or expedient so to do in the interests of the public safety, the defence of the realm, the efficient prosecution of the war, or the maintenance of supplies or services essential to the life of the community, may by order provide for the stopping up or diversion of any highway passing through land used, or intended to be used, for the purposes of a railway, and for prohibiting or restricting the exercise of any right of way over any such land." [1112]

4. After paragraph (1) of Regulation one hundred of the principal Regulations there shall be inserted the following paragraph :—

"(1A) Any reference in these Regulations to the doing of any act shall, unless the context otherwise requires, be construed as including a reference to the making of any statement." [1113]

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RATES AND RATING

CASES :—	PAGE	PAGE
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CASES

Rates and Rating—Valuation List—Amendment—Proposal based on Accounts 5 Years Old—Automatic Percentage Increase of Previous Value—Validity—Rating and Valuation Act, 1925 (c. 90), s. 37—Magistrates—Appeal from Quarter Sessions—Case Stated—Remission back to Sessions—Previous Practice of High Court only to give Decision finally disposing of such a Case—Supreme Court of Judicature (Consolidation) Act, 1925 (c. 49), s. 25 (2)—Rating and Valuation Act, 1925 (c. 90), s. 31 (5).

In 1939, a rating authority made a proposal for the amendment of the valuation list in respect of the assessment of a tied public-house in order to make that assessment conform with the decision of the House of Lords in the *Robinson case*. It appeared from a statement made by the valuation officer that, at the hearing before the assessment committee, he had based the valuation upon figures relating to the years 1931–1933 and that he had not made a separate valuation of each tied public-house but had added a percentage based on barrellage to the valuation of all such properties. Upon an appeal to quarter sessions, the recorder, holding that such a method of valuation was bad in law, dismissed the appeal without hearing any evidence. The recorder stated a case for the opinion of the court which, if it was held that he was wrong in not hearing the evidence of the parties, would require the matter to be remitted to him for further hearing. It was contended (i) that the court had no jurisdiction to entertain an appeal by way of case stated which would not finally dispose of the issues between the parties, and

(ii) that the method of valuation adopted by the valuation officer was bad in law :—

Held : (i) although the court could not finally dispose of the issues between the parties but must remit the matter to quarter sessions, this was not a fatal objection to a case stated, such a case being provided for by the Supreme Court of Judicature (Consolidation) Act, 1925, s. 25 (2). The cases decided before that enactment decided the matter as one of practice, and not of jurisdiction ;

(ii) on the hearing at quarter sessions, the matter is to be heard *de novo* and all relevant evidence may be given, unless a party has so limited his case before the assessment committee as to preclude him from raising any other matter on the appeal ;

(iii) in the circumstances of the present case, although the valuation officer had directed his calculations to the wrong date and might have adopted a wrong method of valuation, the rating authority could adduce evidence at quarter sessions to show the true value of the premises at the material date.—*NORWICH RATING AUTHORITY v. NORWICH ASSESSMENT COMMITTEE AND ANOTHER*, [1941] 2 K. B. 326 ; [1941] 3 All E. R. 225 ; 111 L. J. (K. B.) 204 ; 165 L. T. 413 ; 105 J. P. 374 ; 57 T. L. R. 669 ; 39 L. G. R. 332, D. C. [1114]

Rates—Derating—Industrial Hereditament—Canteen solely for use of Employees—Factory and Workshop Act, 1901 (c. 22), s. 149 (4)—Rating and Valuation (Apportionment) Act, 1928 (c. 44), s. 3.

A laundry, which was an industrial hereditament within the meaning of the Rating and Valuation (Apportionment) Act, 1928, used a part of its premises as a canteen. The laundry was about $\frac{3}{4}$ mile from the nearest town, and it was contended that the canteen was necessary for the welfare of the workers and the efficiency of the laundry and was, therefore, occupied for industrial purposes. The canteen was not run with a view to making a profit, and the employees, who alone used the canteen, were treated in every way as customers at one of the society's retail shops. For this reason it was contended by the rating authority that the canteen was a retail shop and, as such, could not be a part of an industrial hereditament :—

Held : in the circumstances, the canteen was not a place used solely for some purpose other than the manufacturing process or handicraft carried on in the laundry within the meaning of the Factory and Workshop Act, 1901, s. 149 (4), and was, therefore, part of the industrial hereditament.—*LONDON CO-OPERATIVE SOCIETY, LTD. v. SOUTHERN ESSEX ASSESSMENT COMMITTEE*, [1942] 1 K. B. 53 ; [1941] 3 All E. R. 252 ; 111 L. J. (K. B.) 113 ; 165 L. T. 409 ; 105 J. P. 399 ; 85 Sol. Jo. 475 ; 39 L. G. R. 339, D. C. [1115]

Rates and Rating—Assessment—Basis—Profits Basis—Racecourse—Premises used for Operating Totalisator—Racecourse Betting Act, 1928 (c. 41), ss. 1, 2, 3—Betting and Lotteries Act, 1934 (c. 58), s. 18 (1).

By an agreement, dated April 1, 1936, the county borough of Brighton demised certain premises situate on the Brighton racecourse to the Racecourse Betting Control Board to be used for the purpose of working a totalisator until 1956 at a peppercorn rent. It was a term of this agreement that the board should apportion 60 per cent. of the amount retained by them and applicable to grants to the racecourse owners, of whom the county borough was one, and the sums so apportioned were to be applied in accordance with any scheme prepared by the board and approved by the Secretary of State for one or more of the following purposes—namely, (i) the general improvement of the racecourse, (ii) the reduction of liabilities for improvements already effected, (iii) the reduction of admission charges or entrance fees or the increase of stake money or for any other purpose specified in the

scheme. A dispute having arisen between the parties as to the rateable value of the premises, the matter was referred to arbitration, and the arbitrator valued the premises on the profits basis. The board contended that the profits basis was inapplicable and that the arbitrator should have adopted the contractor's basis :—

Held : in the circumstances, the only practicable method of determining the rateable value was by reference to the profits basis.—*RACECOURSE BETTING CONTROL BOARD v. BRIGHTON CORPN.*, [1941] 2 K. B. 287 ; [1941] 2 All E. R. 595 ; 111 L. J. (K. B.) 9 ; 165 L. T. 230 ; 105 J. P. 365 ; 57 T. L. R. 629 ; 85 Sol. Jo. 350 ; 39 L. G. R. 224. [1116]

RATING APPEALS

See RATES AND RATING.

RATING OF SPECIAL PROPERTIES

See RATES AND RATING.

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES

ORDERS, CIRCULARS AND MEMORANDA :—

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ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL ADDING REGULATION 30B . . . TO THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 917

June 26, 1941

At the Court at Buckingham Palace, the 26th day of June, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

* * * * *

2. After Regulation thirty A of the Defence (General) Regulations, 1939, there shall be added the following Regulation :—

“ 30B.—(1) Where, after the birth of a child born before or after the

coming into force of this Regulation, either parent is absent, owing to circumstances arising out of the war, from the registration sub-district in which the birth took place, the information required by the Births and Deaths Registration Acts, 1836 to 1926, to be given concerning the birth may be given by that parent, within twelve months from the date of the birth, in the manner specified in section twenty-six of the Local Government Act, 1929 (which enables information concerning a birth to be given elsewhere than in the sub-district where it took place); and accordingly that section shall, notwithstanding anything in section five of the Births and Deaths Registration Act, 1874, have effect, in relation to the birth of that child and to that parent, as if for the words 'three months' there were substituted the words 'twelve months':

Provided that this paragraph shall not be taken as applying to a parent who is not required as such to give information concerning the birth of the child.

(2) The following provisions of the Births and Deaths Registration Act, 1874, that is to say—

- (a) the second paragraph of section thirty-eight of the said Act, so far as it requires the entry of the birth of a child registered more than three months, but not more than twelve months, after the birth took place to be signed by the superintendent registrar; and
- (b) the Second Schedule to the said Act, so far as it requires the payment of fees upon the registration of a birth more than three months, but not more than twelve months, after the birth took place;

shall not apply in relation to any birth concerning which information is given in accordance with this Regulation." [1117]

* * * * *

REGISTRATION OF ELECTORS

See ELECTIONS.

REGISTRATION OFFICER

See ACTIONS BY AND AGAINST LOCAL AUTHORITIES.

REGULATED INDUSTRIES, TRADES, AND BUSINESSES

ORDERS, CIRCULARS AND MEMORANDA :—

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Order amending Livestock (Restriction on Slaughtering) (No. 2) Order, 1940

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ORDERS, CIRCULARS AND MEMORANDA

ORDER AMENDING THE LIVESTOCK (RESTRICTION ON SLAUGHTERING) (No. 2) ORDER, 1940

*S. R. & O., 1941, No. 199**February 17, 1941*

In exercise of the powers conferred upon him by Regulation 55 of the Defence (General) Regulations, 1939, as amended, and of all other powers him enabling, the Minister of Food hereby makes the following Order :—

1. The Livestock (Restriction on Slaughtering) (No. 2) Order, 1940 (hereinafter referred to as “the Principal Order”), shall be amended as follows :—

- (a) there shall be substituted in Article 1 thereof for the definition of “Local Authority” the following definition :—“Local Authority” has, in England and Wales, the meaning assigned to it by section 64 of the Food and Drugs Act, 1938, and, in Scotland, means the local authority charged with the execution of the provisions of the Public Health (Scotland) Act, 1897, relating to unsound food.
- (b) there shall be substituted in Article 1 thereof for the definition of “Knackers Yard” the following definitions :—“Knackers Yard” has, in England and Wales, the meaning assigned to it by section 100 of the Food and Drugs Act, 1938, and, in Scotland, the meaning assigned to it by section 3 of the Public Health (Scotland) Act, 1897; and “Knacker’s Licence” means, as respects England and Wales, a Knacker’s Licence granted by the local authority under the provisions of the Food and Drugs Act, 1938, and, as respects Scotland, a Knacker’s Licence granted by the local authority under the provisions of the Public Health (Scotland) Act, 1897, or by the Sheriff of the County under the provisions of the Protection of Animals (Scotland) Act, 1912.
- (c) there shall be substituted for Article 5 of the Principal Order the following Article :

“5.—(1) Subject to the provisions of this Order, except under and in accordance with the terms and conditions of a licence granted by or under the authority of the Minister, no person shall, by way of or for the purposes of trade in meat for human consumption :

- (a) buy or agree to buy any meat derived from livestock slaughtered in Great Britain except from the Minister or from a person selling on his behalf or under his authority ; or
- (b) be in possession of, sell, or offer or agree to sell, or expose for sale, or otherwise dispose of, any such meat as afore-

said, unless that meat has, prior to such possession, sale, or other disposition, offer or agreement to sell, or exposure for sale, been purchased from the Minister or from a person selling on his behalf or under his authority.

(2) In any proceedings in respect of any contravention of this Article, the meat in question shall be deemed not to have been purchased from the Minister or from a person selling on his behalf or under his authority, unless and until the contrary shall have been proved; provided that it shall be a defence for the person charged to prove that he had reasonable grounds for believing that, as the case may be, he was buying or offering or agreeing to buy the meat from the Minister or from a person selling on his behalf or under his authority, or that prior to the possession, sale, or other disposition, offer or agreement to sell, or exposure for sale, by him of the meat, it had been bought from the Minister or from a person selling on his behalf or under his authority."

(d) there shall be deleted from Article 6 (iv) of the Principal Order the following words:

" granted by a Local Authority under the provisions of the Food and Drugs Act, 1938." [1118]

2.—(1) This Order shall come into force on the 24th day of February, 1919.

(2) Copies of the Principal Order to be printed under the authority of His Majesty's Stationery Office after the date of the coming into force of this Order shall be printed in accordance with the amendments provided for in this Order and the Principal Order shall take effect as hereby amended. [1110]

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ROAD TRAFFIC

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ORDER IN COUNCIL . . . AMENDING REGULATION . . . 72 OF THE DEFENCE (GENERAL) REGULATIONS, 1939

S. R. & O., 1941, No. 1597

* * * * *

8. Regulation seventy-two of the principal Regulations shall be amended as follows :—

(a) In paragraph (1) after the words “ Road Traffic Act, 1934 ” there shall be inserted the words “ or by virtue of section ten of the London Hackney Carriages Act, 1843, or by virtue of section eight of the Metropolitan Public Carriage Act, 1869, as amended, extended or applied by, or by any order made under, any subsequent enactment.”

(b) In paragraph (1A) after the words “ Road Traffic Act, 1930,” there shall be inserted the words “ or by virtue of section ten of the London Hackney Carriages Act, 1843, or by virtue of section eight of the Metropolitan Public Carriage Act, 1869, as amended, extended or applied by, or by any order made under, any subsequent enactment ” and after the words “ public service vehicle ” there shall be inserted the words “ tramcar or trolley vehicle, as the case may be.” [1120]

* * * * *

THE MOTOR VEHICLES (DEFINITION OF MOTOR CARS) REGULATIONS, 1941

S. R. & O., 1941, No. 291

February 26, 1941

The Minister of Transport, under and by virtue of the powers conferred upon him by section 2 of the Road Traffic Act, 1930, and of all other powers in that behalf vested in him hereby makes the following Regulations to supersede the Motor Vehicles (Definition of Motor Cars) (No. 2) Provisional Regulations, 1940.

1. These Regulations may be cited as “ The Motor Vehicles (Definition of Motor Cars) Regulations, 1941.” [1121]

2. The class of motor vehicles defined as “ motor cars ” in sub-section (1) of section 2 of the Road Traffic Act, 1930, shall be further sub-divided by the making of two new sub-divisions as follows :—

“ Vehicles constructed or adapted for use for the conveyance of goods or burden of any description carrying a container or containers for holding for the purpose of their propulsion any fuel that is wholly gaseous at 60° Fahrenheit under a pressure of 30 inches of mercury or plant and materials for producing such fuel, the maximum weight unladen of which does not exceed 3½ tons.”

“ Vehicles which are constructed or adapted for use for the conveyance of goods or burden of any description other than such vehicles last above mentioned, the maximum weight unladen of which does not exceed 3 tons.” [1122]

3. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [1123]

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THE TRAFFIC SIGNS (SPEED LIMIT) REGULATIONS, 1941

S. R. & O., 1941, No. 356*March 5, 1941*

The Minister of Transport in exercise of the powers vested in him under and by virtue of section 48 of the Road Traffic Act, 1930, and section 1 of the Road Traffic Act, 1934, and of all other powers in that behalf vested in him hereby makes the following Regulations to supersede the Traffic Signs (Speed Limit) Provisional Regulations, 1935.

1. These Regulations may be cited as "The Traffic Signs (Speed Limit) Regulations, 1941." [1124]

2. In these Regulations unless the context otherwise requires "The Act" means the Road Traffic Act, 1934.

"Local Authority" means—

- (a) as regards England a local authority as defined in sub-section (9) of section 1 of the Act;
- (b) as regards Scotland a local authority as defined in sub-section (1) of section 41 of the Act. [1125]

3. The traffic signs which a local authority shall cause to be erected in accordance with the provisions of sub-section (7) of the said section 1 and directions given by the Minister of Transport thereunder shall conform as to size, colour and type with the indications given in the Diagrams set out in the Schedule hereto. [1126]

4. The sign shown in Diagram 1 in the said Schedule shall be used to indicate a length of road which shall be deemed to be a road in a built up area by virtue of—

- (a) the existence thereon of a system of street lighting furnished by means of lamps placed not more than two hundred yards apart;
- (b) a direction that it shall be deemed to be a road in a built up area notwithstanding that a system of street lighting as aforesaid is not provided thereon. [1127]

5. The sign shown in Diagram 2 in the said Schedule shall be used to indicate a length of road which by virtue of the Act or of a direction is deemed not to be a road in a built up area, and on which a system of street lighting is provided. [1128]

6. The sign shown in Diagram 3 in the said Schedule shall be used to indicate the points at which a length of road ceases to be a road which by virtue of the Act or of a direction is deemed to be a road in a built up area. [1129]

7. The signs illustrated in Diagram 1 and Diagram 3 in the said Schedule shall be—

- (1) fitted with reflectors or reflecting material; or
- (2) illuminated either externally or internally during the following times :—
 - (a) as respects the period of summer time the time between one hour after sunset and one hour before sunrise; and
 - (b) as respects the remainder of the year the time between half an hour after sunset and half an hour before sunrise :

Provided that it shall not be necessary for any such sign to be illuminated at any time during which the street lamps if any on the road where the sign is erected are extinguished. [1130]

8. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [1131]

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THE PEDESTRIAN CROSSING PLACES (TRAFFIC) REGULATIONS, 1941

S. R. & O., 1941, No. 397

March 14, 1941

The Minister of Transport in exercise of the powers conferred upon him under and by virtue of section 18 of the Road Traffic Act, 1934, and of all other powers in that behalf vested in him hereby makes the following Regulations to supersede the Pedestrian Crossing Places (Traffic) Provisional Regulations, 1935.

1. These Regulations may be cited as "The Pedestrian Crossing Places (Traffic) Regulations, 1941." [1132]

2. For the purpose of these Regulations unless the context otherwise requires the expression—

"crossing" means a crossing place for foot passengers indicated by a traffic sign prescribed for the purpose by Regulations made by the Minister. [1133]

3. The driver of every vehicle approaching a crossing shall, unless he can see that there is no foot passenger thereon, proceed at such a speed as to be able if necessary to stop before reaching such crossing. [1134]

4. The driver of every vehicle at or approaching a crossing where traffic is not for the time being controlled by a police constable or by light signals shall allow free and uninterrupted passage to any foot passenger who is on the carriageway at such crossing, and every such foot passenger shall have precedence over all vehicular traffic at such crossing. [1135]

5. The driver of every vehicle at or approaching a crossing at a road intersection where traffic is for the time being controlled by a police constable or by light signals shall allow free and uninterrupted passage to every foot passenger who has started to go over the crossing before the driver receives a signal that he may proceed over the crossing. [1136]

6. No driver of any vehicle shall cause such vehicle or any part thereof to stop upon any crossing unless either—

(a) he is prevented from proceeding by circumstances beyond his control ;
or

(b) it is necessary for him to stop in order to avoid accident. [1137]

7. No foot passenger shall remain upon any crossing longer than is necessary for the purpose of passing from one side of the road to the other with reasonable dispatch. [1138]

8. Every person who commits a breach of these Regulations shall be guilty of an offence and liable on conviction by a court of summary jurisdiction to a fine not exceeding forty shillings. [1139]

9. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [1140]

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THE MOTOR VEHICLES (CONSTRUCTION AND USE) REGULATIONS, 1941

S. R. & O., 1941, No. 398

March 21, 1941

The Minister of Transport under and by virtue of the powers conferred on him by the Road Traffic Act, 1930, hereby makes the following Regulations.

PART I

General.

1. These Regulations may be cited as "The Motor Vehicles (Construction and Use) Regulations, 1941". [1141]

2. The Motor Vehicles (Construction and Use) Regulations, 1937, and all Regulations amending them are hereby revoked. [1142]

3.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

"Overall length" means the length of a vehicle measured between parallel planes passing through the extreme projecting points of the vehicle exclusive of :—

- (a) any starting handle,
- (b) any hood when down,
- (c) any ladder forming part of a turntable fire-escape fixed to a vehicle,
- (d) any telescopic fog lamp when extended,
- (e) any snow-plough fixed in front of a vehicle, and
- (f) any post office letter box the length of which measured parallel to the longitudinal axis of the vehicle does not exceed 12 inches.

"Overall width" means the width measured between parallel planes passing through the extreme projecting points of the vehicle exclusive of the driving mirror, and of any direction indicator when in operation and of any snow-plough fixed in front of the vehicle and of so much of the distortion of any tyre as is caused by the weight of the vehicle, and in the case of vehicles registered before 2nd January, 1939, of so much of a swivelling window designed to allow the driver to give hand signals as projects when opened not more than 4 inches beyond the side of the vehicle.

"Overhang" means the distance measured horizontally and parallel to the longitudinal axis of the vehicle between two vertical planes at right angles to such axis passing through the two points specified in paragraphs (i) and (ii) of this definition respectively.

(i) The rearmost point of the vehicle exclusive of

(a) any hood when down,

(b) any post office letter box, the length of which measured

parallel to the longitudinal axis of the vehicle, does not exceed 12 inches,

- (c) any ladder forming part of a turntable fire escape fixed to a vehicle, and
 - (d) any luggage carrier fitted to a motor car constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver.
- (ii) (a) in the case of a motor vehicle having only two axles, one of which is not a steering axle, through the centre point of that axle, and
- (b) in the case of a motor vehicle having only three axles where the front axle is the only steering axle, through a point 4 inches in rear of the centre of a straight line joining the centre points of the rear and middle axles, and
- (c) in any other case through a point situated on the longitudinal axis of the vehicle and such that a line drawn from it at right angles to that axis will pass through the centre of the minimum turning circle of the vehicle.

"Safety glass" means glass so constructed or treated that if fractured it does not fly into fragments capable of causing severe cuts.

"Locomotive" means a heavy locomotive or a light locomotive.

"Land locomotive" means a locomotive designed and used primarily for work on the land in connection with agriculture, forestry, land levelling, dredging and similar operations, which is driven on a road only when proceeding to and from the site of such work and which when so driven hauls nothing other than land implements.

"Land tractor" means a motor tractor designed and used primarily for work on the land in connection with agriculture, grass cutting, forestry, land levelling, dredging and similar operations, which is driven on a road only when proceeding to and from the site of such work and which when so driven hauls nothing other than land implements or agricultural trailers.

"Land implement" means any implement or machinery used with a land locomotive or a land tractor in connection with agriculture, grass cutting, forestry, land levelling, dredging or similar operations and includes a living van and any trailer which for the time being carries only the necessary gear or equipment of the land locomotive or land tractor which draws it.

"Agricultural trailer" means a trailer the property of a person engaged in agriculture which is used on a road only for the conveyance of agricultural produce or of articles required for the purposes of agriculture.

"Articulated vehicle" means a heavy motor car or a motor car with a trailer so attached to the drawing vehicle that part of the trailer is superimposed upon the drawing vehicle, and when the trailer is uniformly loaded not less than 20 per cent. of the weight of its load is borne by the drawing vehicle.

"Indivisible load" means a load which cannot without undue expense or risk of damage be divided into two or more loads for the purpose of conveyance on a road.

"Wheel" in the case of a motor vehicle or trailer means a wheel, the tyre of which when the vehicle is in motion on a road is in contact with the ground.

"Wheeled" in relation to a vehicle means that the whole weight of the vehicle is transmitted to the road surface by means of wheels.

"Track laying" in relation to a vehicle means that the vehicle is so designed and constructed that the weight thereof is transmitted to the road surface either by means of continuous tracks or by a combination of wheels and continuous tracks in such circumstances that the weight transmitted to the road surface by the tracks is not less than half the weight of the vehicle.

"Registered" means registered for the first time under the Roads Act, 1920.

"Pneumatic tyre" means a tyre which complies in all respects with the following requirements :—

- (i) it shall be provided with a continuous closed chamber containing air at a pressure substantially exceeding atmospheric pressure when the tyre is in the condition in which it is normally used, but is not subjected to any load ;
- (ii) it shall be capable of being inflated and deflated without removal from the wheel or vehicle ;
- (iii) it shall be such, that when it is deflated and is subjected to a normal load, the sides of the tyre collapse.

"Gas" means any fuel that is wholly gaseous at 60° Fahrenheit under a pressure of 30 inches of mercury.

"Gas equipment" means a container or containers for holding, or plant and materials for producing, gas.

"Gas trailer" means a trailer used solely for the carriage of gas equipment for the purpose of the propulsion of the drawing vehicle.

(2) Except where otherwise provided in these Regulations a tyre shall not be deemed to be of soft or elastic material unless the said material is either :—

- (i) continuous round the circumference of the wheel, or
- (ii) fitted in sections so that so far as reasonably practicable no space is left between the ends thereof,

and is of such thickness and design as to minimise, so far as reasonably possible, vibration when the vehicle is in motion, and so constructed as to be free from any defect which might in any way cause damage to the surface of a road.

(3) For the purpose of these Regulations a brake drum shall be deemed to form part of the wheel and not of the braking system.

(4) For the purpose of these Regulations any two wheels of a motor vehicle or trailer shall be regarded as one wheel if the distance between the centre of the areas of contact between such wheels and the road surface is less than 18 inches. [1143]

4.—(1) Every motor cycle and invalid carriage shall be so constructed that it is a wheeled vehicle.

(2) Save as aforesaid every motor vehicle and trailer shall be so constructed that it is either a wheeled vehicle or a track laying vehicle. [1144]

5.—(1) Except where the context otherwise requires these Regulations shall apply to wheeled vehicles only.

(2) Regulations 7, 8, 15, 18, 25, 26 and 31 of these Regulations shall not apply to road rollers.

(3) Regulations 6 to 8, 10 to 13, 15, 16, 19 to 57, 59 and 70 of these Regulations shall not apply to vehicles proceeding to a port for export.

(4) Regulations 7, 8, 12, 15, 26, 31, 35, 39, 40, 48, 51, 52, 54 to 58, 61 to 66 and 87 of these Regulations shall only apply to motor vehicles and trailers used upon highways.

(5) Every motor vehicle registered before the expiration of one year from the making of any Regulation hereof by which the requirements as regards the construction or weight of any class or description of vehicles are varied shall be exempt from the requirements of that Regulation for a period of 5 years from the making thereof, provided that it complies with the requirements of the Regulations to which it would have been subject immediately prior to the making of that Regulation.

(6) Part II of these Regulations, except Regulations 6, 23, 24, 28, 32, 37, 45, 48 and 49 shall not apply to any motor vehicle brought temporarily into Great Britain by a person resident abroad and intending to make only a temporary stay in Great Britain while the said vehicle is being used by such person during his stay, provided that such vehicle complies in every respect with the requirements of paragraphs I, III and VIII of Article 3 of the International Convention Relative to Motor Traffic concluded at Paris on 24th April, 1926.

(7) The requirements of the Motor Vehicles (Direction Indicator and Stop Light) Regulations, 1935, relating to direction indicators shall not apply to motor vehicles brought temporarily into Great Britain by persons resident abroad and intending to make only a temporary stay in Great Britain while the said vehicles are being used by such persons during their stay. [1145]

PART II

Regulations governing the construction, weight and equipment of motor vehicles and trailers

6. The overall length of a motor vehicle with four wheels shall not exceed 27 feet 6 inches and of a motor vehicle with more than four wheels shall not exceed 30 feet. The overall length of an articulated vehicle shall not exceed 33 feet.

Provided that—

- (a) the total overall length of any eight-wheeled articulated vehicle registered before 1st January, 1931, may equal but shall not exceed 36 feet.
- (b) this Regulation shall not apply in the case of an articulated vehicle constructed and normally used for the conveyance of indivisible loads of exceptional length,
 - (i) if all the wheels of the vehicle are fitted with pneumatic tyres, and
 - (ii) if all the wheels of the vehicle are not fitted with pneumatic tyres but the vehicle is not driven at a speed exceeding 12 m.p.h. [1146]

7. Every motor vehicle or trailer with more than four wheels and every trailer having more than two wheels being part of an articulated vehicle shall be provided with such compensating arrangement as will ensure that all the wheels will remain in contact with the road surface and under the most adverse conditions will not be subjected to abnormal variations of load.

Provided that this Regulation shall not apply to any steerable wheel of a motor vehicle if the load on such wheel does not exceed $2\frac{1}{2}$ tons. [1147]

8. Every motor vehicle and every trailer drawn thereby shall be equipped with suitable and sufficient springs between each wheel and the frame of the vehicle.

Provided that this Regulation shall not apply to :—

- (i) any vehicle registered on or before 1st January, 1932 ;
- (ii) any motor tractor not exceeding 4 tons in weight unladen if all unsprung wheels of such tractor are equipped with pneumatic tyres ;
- (iii) any land locomotive, land tractor, land implement, agricultural trailer or trailer used solely for the haulage of felled trees ;
- (iv) any motor tractor not exceeding 4 tons in weight unladen used in connection with railway shunting operations which is only used on a road when passing from one portion of the railway track to another for the purpose of such operations ;
- (v) motor cycles ;
- (vi) mobile cranes ; or
- (vii) vehicles designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another, or to works or premises in the immediate neighbourhood. [1148]

9. Every motor vehicle shall be equipped with a braking system (which may be one of the braking systems hereinafter prescribed) so designed and constructed that it can at all times be set so as effectually to prevent two at least, or in the case of a vehicle with only three wheels one, of the wheels from revolving when the vehicle is not being driven or is left unattended.

Provided that this Regulation shall not apply to :—

- (i) motor bicycles with or without sidecars attached ;
- (ii) invalid carriages ; or
- (iii) land locomotives registered on or before 1st January, 1932. [1149]

10. Every motor vehicle registered on or after 1st October, 1937, and as from 1st October, 1942, every motor vehicle which is fitted with a servo braking system which embodies a vacuum or pressure reservoir or reservoirs shall be provided with a warning device so placed as to be readily visible to the driver of the vehicle when in the driving seat in order to indicate any impending failure or deficiency in the vacuum or pressure system. [1150]

11.—(1) To every motor vehicle registered on or after 1st October, 1937, other than :—

- (a) a land tractor ;
- (b) an invalid carriage ;
- (c) a motor cycle, the cylinder capacity of the engine of which does not exceed 100 c.c. ;
- (d) a motor cycle neither constructed or adapted for use nor used for the carriage of a driver or passenger ;
- (e) a vehicle which it is at all times unlawful to drive at a speed exceeding 12 m.p.h. ; or
- (f) a vehicle which is incapable by reason of its construction of exceeding a speed of 12 m.p.h. on the level under its own power ;

there shall be fitted an instrument so constructed and in such a position as at all times readily to indicate to the driver of the vehicle within a margin of accuracy of plus or minus ten per cent. if and when he is driving at a speed in excess of that specified in paragraph (2) hereof.

(2) The speed to which reference is made in paragraph (1) hereof shall be such speed as is specified in the First Schedule to the Road Traffic Act, 1930, as the maximum speed for the vehicle to which the instrument aforesaid is fitted in compliance with this Regulation, or if no such speed is prescribed, 30 m.p.h.

Provided that when, by reason of the fact that a vehicle to which this Regulation applies is drawing a trailer or trailers the maximum speed at which it is lawful to drive such vehicle is lower than the speed at which it is lawful to drive such vehicle without such trailer or trailers, the instrument aforesaid shall not be required to indicate such lower speed. [1151]

12. All wheels of a motor vehicle and all wheels of a trailer which are equipped with tyres other than pneumatic tyres shall have a rim diameter of not less than 670 mm.

Provided that this Regulation shall not apply :—

(i) until 1st January, 1942 :—

(a) to any motor vehicle registered on or before 2nd January, 1933 ; and

(b) to any trailer constructed before 1st January, 1933 ;

(ii) to any wheel fitted to a motor car registered on or before 1st July, 1936, if the diameter of the wheel inclusive of the tyre is not less than 670 mm. ;

(iii) to any motor vehicle or trailer not exceeding 30 cwts. in weight unladen designed for use in works or on private premises and used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood ;

(iv) to any motor vehicle or trailer designed for use and used by or on behalf of a local authority solely in connection with street cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cesspools ;

(v) to any mobile crane ; or

(vi) to any land implement. [1152]

13. Every motor vehicle which exceeds 8 cwts. in weight unladen shall be capable of being so worked that it may travel either forwards or backwards. [1153]

14. Every motor vehicle shall be so designed and constructed that the driver thereof while controlling the vehicle can at all times have a full view of the road and traffic ahead of the motor vehicle. [1154]

15. Every motor vehicle, other than a motor cycle, shall be equipped either internally or externally with a mirror so constructed and fitted to the motor vehicle as to assist the driver if he so desires to become aware of traffic to the rear of the vehicle.

Provided that this Regulation shall not apply to :—

(i) land locomotives and land tractors ;

(ii) a motor vehicle when drawing a trailer if a person is carried on the trailer in a position which affords an uninterrupted view to the rear and such person is provided with efficient means of communicating to the driver the effect of signals given by the drivers of other vehicles in rear thereof ; or

- (iii) a motor vehicle designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another, or to works or premises in the immediate neighbourhood, if the driver can easily obtain a clear view of traffic to the rear. [1155]

16. The glass of wind-screens and windows facing to the front on the outside of any motor vehicle except glass fitted to the upper deck of a double decked vehicle, shall be safety glass.

For the purposes of this Regulation any wind-screen or window at the front of the vehicle the inner surface of which is at an angle exceeding 30 degrees to the longitudinal axis of the vehicle shall be deemed to face to the front. [1156]

17. An efficient automatic wind-screen wiper shall be fitted to every vehicle which is so constructed that the driver cannot, by opening the wind-screen or otherwise, obtain an adequate view of the front of the vehicle without looking through the wind-screen. [1157]

18. Every motor vehicle other than a locomotive or a land tractor shall be fitted with an instrument capable of giving audible and sufficient warning of its approach or position.

Provided that no such instrument shall consist of :—

- (i) a gong or bell, except in the case of a motor vehicle used solely for fire brigade, ambulance, salvage corps or police purposes ; or
- (ii) a siren, except in the case of a vehicle used solely for fire brigade, salvage corps or police purposes.

Provided also that nothing in this Regulation shall apply to any motor vehicle designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another, or to works or premises in the immediate neighbourhood. [1158]

19. Every vehicle propelled by an internal combustion engine shall be fitted with a silencer, expansion chamber or other contrivance suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine. [1159]

20. Every motor vehicle shall be so constructed that no avoidable smoke or visible vapour is emitted therefrom. [1160]

21. Every motor vehicle using solid fuel shall be fitted with an efficient appliance for the purpose of preventing the emission of sparks or grit, and also with a tray or shield to prevent ashes and cinders from falling on to the road. [1161]

22. No motor vehicle registered on or after 15th January, 1931, or trailer shall be equipped with any closet, urinal, lavatory basin or sink, unless the following requirements are complied with, that is to say :—

- (a) Every closet pan or urinal pan shall empty into a tank carried by such motor vehicle or trailer as the case may be, such tank—
 - (i) being efficiently ventilated by means of a pipe, the outlet of which is outside the vehicle, and
 - (ii) containing non-inflammable and non-irritant chemicals, of such character and in such quantity as to form at all times an efficient deodorant and germicide in respect of the contents of the tank.
- (b) No lavatory basin or sink shall drain into the tank specified in paragraph (a) hereof. [1162]

Locomotives

23. The overall width of a locomotive shall not exceed 9 feet. [1163]

24. The unladen weight of a locomotive shall not exceed $15\frac{1}{2}$ tons, or where all the wheels are fitted with tyres of soft or elastic material $17\frac{1}{2}$ tons.

Provided that:—

- (i) these weights may be exceeded by $1\frac{1}{2}$ tons if the locomotive carries as a permanent fitting any jib crane, dynamo or extra winding drum or any one or more of such fittings, and
- (ii) in the case of cable ploughing engines the weight of any winding or windlass gear shall not be included in computing the unladen weight. [1164]

25. Not more than three quarters of the total weight of a locomotive shall be transmitted to the road surface by any two wheels. [1165]

26.—(1) Except as hereinafter provided, every wheel of a locomotive shall be equipped with a tyre of soft or elastic material which either—

- (i) extends continuously round the circumference of the wheel, or
- (ii) is fitted in sections in such manner that
 - (a) at no point is any section separated by more than $\frac{3}{4}$ inch from any adjacent section, and
 - (b) the aggregate extent of all spaces between the sections measured along any line taken round the outer surface of the tyre and parallel to its edge does not exceed 6 inches.

(2) Paragraph (1) of this Regulation shall not apply to a land locomotive if—

- (i) the tyre of every steering wheel is smooth-soled and where the tyre touches the surface of the road it is not less than 5 inches in width and
- (ii) the tyre of every driving wheel is not less than 12 inches in width and is either—
 - (a) smooth-soled, or
 - (b) shod with diagonal cross bars of not less than 3 inches in width nor more than $\frac{3}{4}$ inch in thickness, extending the full breadth of the tyre and so arranged that the space intervening between adjacent cross bars is not more than 3 inches, or
 - (c) shod with diagonal cross bars of soft or elastic material of not less than $2\frac{1}{2}$ inches in width, extending the full breadth of the tyre and so arranged that the space between adjacent cross bars is not more than 3 inches. [1166]

27. Every locomotive shall be equipped with an efficient braking system, the brakes of which act upon all the wheels of the vehicle other than the steering wheels, so designed and constructed that the application of the brakes will bring the vehicle to rest within a reasonable distance.

Provided that this Regulation shall not apply to a locomotive registered on or before 2nd January, 1933, if the locomotive is propelled by steam and the engine thereof is capable of being reversed. [1167]

Motor Tractors

28. The overall width of a motor tractor shall not exceed 7 feet 6 inches [1168]

29. The overhang of a motor tractor shall not exceed 6 feet. [1169]

30.—(1) Every motor tractor shall be equipped with an efficient braking system or efficient braking systems in either case having two means of operation, so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted, there shall still be available for application by the driver to not less than half the number of the wheels of the vehicle, brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.

Provided that this paragraph shall not apply in the case of a road roller or a land tractor, not propelled by steam, if the vehicle is equipped with one braking system with one means of operation.

(2) The application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation.

(3) In the case of vehicles registered on or after 1st April, 1938, and as from 1st October, 1943, in the case of all vehicles, no braking system shall be rendered ineffective by the non-rotation of the engine.

Provided that this paragraph shall not apply in the case of the vehicles referred to in sub-paragraph (ii) of paragraph (7) hereof.

(4) In the case of a motor tractor registered on or after 1st April, 1938, all the brakes which are operated by one of the means of operation shall be capable of being applied by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device.

(5) Where any brake shoe is capable of being applied by more than one means of operation, all the wheels of the motor tractor shall be fitted with brakes all of which are operated by one of the means of operation.

Provided that where means of operation are provided in addition to those prescribed by this Regulation such additional means of operation may be disregarded for the purposes of this paragraph.

(6) In the case of a motor tractor registered after 14th January, 1931, other than a land tractor, one at least of the means of operation shall be capable of causing brakes to be applied directly, and not through the transmission gear, to not less than half the number of the wheels of the vehicle.

Provided that where a motor tractor has more than 4 wheels and the drive is transmitted to all wheels other than the steering wheels without the interposition of a differential driving gear or similar mechanism between the axles carrying the driving wheels, it shall be deemed to be a sufficient compliance with this paragraph if the brakes applied by one means of operation act directly on two driving wheels on opposite sides of the vehicle and the brakes applied by the other means of operation act directly on all other driving wheels.

(7) For the purpose of this Regulation—

(i) in the case of a motor tractor registered on or after 1st October, 1938,

(a) not more than one front wheel shall be included in half the number of the wheels of the vehicle for the purposes aforesaid, and

- (b) every moving shaft to which any part of a braking system or any means of operation thereof is connected or by which it is supported shall be deemed to be part of that system.
- (ii) in the case of a motor tractor propelled by steam the engine shall be deemed to be an efficient braking system with one means of operation if the engine is capable of being reversed and, in the case of a motor tractor registered on or after 1st October, 1943, is incapable of being disconnected from any of the driving wheels of the vehicle except by the sustained effort of the driver.
[1170]

31. Every wheel of a motor tractor shall be equipped with pneumatic tyres or tyres of soft or elastic material.

Provided that this Regulation shall not apply to a land tractor if—

- (i) the tyre of every steering wheel is smooth-soled and where the tyre touches the surface of the road it is not less than $2\frac{1}{2}$ inches in width, and
- (ii) the tyre of every driving wheel is not less than 6 inches in width and is either—
 - (i) smooth soled,
 - (ii) shod with diagonal cross bars of not less than 3 inches in width nor more than $\frac{3}{4}$ inch in thickness, extending the full breadth of the tyre and so arranged that the space between adjacent cross bars is not more than 3 inches, or
- (iii) shod with diagonal cross bars of soft or elastic material of not less than $2\frac{1}{2}$ inches in width, extending the full breadth of the tyre and so arranged that the space between adjacent cross bars is not more than 3 inches. [1171]

Heavy Motor Cars

32. The overall width of a heavy motor car shall not exceed 7 feet 6 inches.

Provided that in the case of a vehicle registered on or before 1st July, 1932, this width may be exceeded by 6 inches in cases where the excess width has been necessarily caused by the conversion of the vehicle from use with solid tyres to use with pneumatic tyres.

Provided also that in the case of a vehicle propelled by steam, using solid fuel and registered before 1st January, 1939, the aforesaid width of 7 feet 6 inches may be exceeded by 3 inches in cases where the excess width is due solely to projection of the wheels or tyres beyond the sides of the vehicle.
[1172]

33. The overhang of a heavy motor car shall not exceed 50 per cent. of the distance between the plane perpendicular to the longitudinal axis of the vehicle which passes through the centre or centres of the front wheel or wheels and the foremost vertical plane from which the overhang is to be measured as defined in Regulation 3 of these Regulations.

Provided that—

- (i) in the case of a heavy motor car registered before 1st October, 1938, it shall be a sufficient compliance with this Regulation if the overhang does not exceed $\frac{7}{24}$ ths of the overall length of the vehicle,

- (ii) this Regulation shall not apply to a heavy motor car registered before 15th August, 1928, and
- (iii) this Regulation shall not apply to a heavy motor car designed for use and used by or on behalf of a local authority solely in connection with street cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cess-pools. [1173]

34. Every heavy motor car registered on or before 15th August, 1928, shall be equipped with an efficient braking system or efficient braking systems with two means of operation sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance. Save as aforesaid :—

- (1) Every heavy motor car shall be equipped with an efficient braking system or efficient braking systems in either case having two means of operation so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted, there shall still be available for application by the driver to not less than half the number of the wheels of the vehicle brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.
- (2) The application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation.
- (3) In the case of vehicles registered on or after 1st April, 1938, and as from 1st October, 1943, in the case of all vehicles, no braking system shall be rendered ineffective by the non-rotation of the engine.

Provided that this paragraph shall not apply in the case of the vehicles referred to in sub-paragraph (ii) of paragraph (7) hereof.

- (4) All the brakes of a heavy motor car which are operated by one means of operation shall be capable of being applied by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device.
- (5) Where any brake shoe is capable of being applied by more than one means of operation all the wheels of the heavy motor car shall be fitted with brakes all of which are operated by one of the means of operation.

Provided that—

- (i) in the case of vehicles with more than six wheels having at least four steering wheels it shall be a sufficient compliance with this paragraph if brakes are fitted to all the wheels, other than two steering wheels which are situated on opposite sides of the vehicle, and all such brakes are operated by one of the means of operation.
- (ii) where a heavy motor car has more than four wheels and the drive is transmitted to all wheels other than the steering wheels without the interposition of a differential driving gear or similar mechanism between the axles carrying the driving wheels it shall be deemed to be a sufficient compliance with this paragraph if one means of operation operates the brakes on two driving wheels situated on opposite sides of the vehicle and the other means of operation operates brakes on all the other wheels required to be fitted with brakes by this paragraph, and

- (iii) where means of operation are provided in addition to those prescribed by this Regulation such additional means of operation may be disregarded for the purposes of this paragraph.
- (6) One at least of the means of operation shall be capable of causing brakes to be applied directly and not through the transmission gear to not less than half the number of the wheels of the vehicle.
- Provided that where a heavy motor car has more than four wheels and the drive is transmitted to all wheels other than the steering wheels without the interposition of a differential driving gear or similar mechanism between the axles carrying the driving wheels it shall be deemed to be a sufficient compliance with this paragraph if the brakes applied by one means of operation act directly on two driving wheels on opposite sides of the vehicle and the brakes applied by the other means of operation act directly on all other driving wheels.
- (7) For the purpose of this Regulation—

- (i) (a) not more than one front wheel shall be included in half the number of the wheels of the vehicle for the purposes aforesaid and
- (b) every moving shaft to which any part of a braking system or any means of operation thereof is connected or by which it is supported shall be deemed to be part of that system ;
- (ii) in the case of a heavy motor car propelled by steam and not used as a public service vehicle the engine shall be deemed to be an efficient braking system with one means of operation if the engine is capable of being reversed and, in the case of a heavy motor car registered on or after 1st January, 1927, is incapable of being disconnected from any of the driving wheels of the vehicle except by the sustained effort of the driver. [1174]

35. All the wheels of a heavy motor car shall be equipped with pneumatic tyres.

Provided that this Regulation shall not apply until 1st January, 1942, to a heavy motor car registered on or before 2nd January, 1933, if the vehicle is equipped with tyres of soft or elastic material.

Provided also that this Regulation shall not apply—

- (i) to a heavy motor car exceeding 4 tons in weight unladen mainly used in operations which necessitate working on rough ground or unmade roads, or
- (ii) to a vehicle designed for use and used by or on behalf of a local authority solely in connection with street cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cesspools, to a turntable fire escape or to a tower wagon,

if the vehicle is in each case equipped with tyres of soft or elastic material on every wheel. [1175]

36. A heavy motor car shall be provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels, unless adequate protection is afforded by the body of the vehicle.

Provided that this Regulation shall not apply in relation to the rear wheels of any heavy motor car for the time being forming part of an articulated vehicle if the trailer forming the remaining part of the articulated vehicle is used only for, or empty in connection with, the carriage of round timber.

Provided also that this Regulation shall not apply in the case of a vehicle in an unfinished condition proceeding to a works for completion. [1176]

Motor Cars

37. The overall width of a motor car shall not exceed 7 feet 6 inches. [1177]

38. The overhang of a motor car shall not exceed 50 per cent. of the distance between the plane perpendicular to the longitudinal axis of the vehicle which passes through the centre or centres of the front wheel or wheels and the foremost vertical plane from which the overhang is to be measured as defined in Regulation 3 of these Regulations.

Provided that—

- (i) in the case of a motor car registered before 1st October, 1938, it shall be sufficient compliance with this Regulation if the overhang does not exceed $\frac{7}{24}$ ths of the overall length of the vehicle ;
- (ii) this Regulation shall not apply to a motor car registered on or before 2nd January, 1933 ;
- (iii) this Regulation shall not apply to a motor car designed for use and used by or on behalf of a local authority solely in connection with street cleansing, the collection or disposal of refuse, or the collection or disposal of the contents of gullies or cesspools, or as an ambulance ; and
- (iv) in the case of a motor car not exceeding 20 feet in overall length, the overhang may be increased by not more than 9 inches, but shall in no case exceed $\frac{7}{24}$ ths of the overall length. [1178]

39.—(1) Every motor car shall be equipped with an efficient braking system or efficient braking systems in either case having two means of operation so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted, there shall still be available for application by the driver to not less than half the number of the wheels of the vehicle brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.

Provided that in the event of such failure as aforesaid it shall not be necessary for brakes to be available for application by the driver—

- (i) in the case of a motor car registered before 1st October, 1938, to more than two wheels ;
 - (ii) in the case of a vehicle having less than four wheels, to more than one wheel.
- (2) The application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation.
- (3) In the case of vehicles registered on or after 1st April, 1938, and as from 1st October, 1943, in the case of all vehicles, no braking system shall be rendered ineffective by the non-rotation of the engine.

Provided that this paragraph shall not apply in the case of the vehicles referred to in sub-paragraph (ii) of paragraph (7) hereof.

(4) All the brakes of a motor car which are operated by one of the means of operation shall be capable of being applied by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device.

(5) In the case of a motor car with more than three wheels where any brake shoe is capable of being applied by more than one means of operation

all the wheels shall be fitted with brakes all of which are operated by one of the means of operation.

Provided that—

- (i) where a motor car has more than six wheels, at least four of which are steering wheels, it shall be a sufficient compliance with this paragraph if brakes are fitted to all the wheels other than two steering wheels which are situated on opposite sides of the vehicle, and all such brakes are operated by one of the means of operation,
 - (ii) where a motor car has more than four wheels and the drive is transmitted to all wheels other than the steering wheels without the interposition of a differential driving gear or similar mechanism between the axles carrying the driving wheels it shall be deemed to be a sufficient compliance with this paragraph if one means of operation operates the brakes on two driving wheels situated on opposite sides of the vehicle and the other means of operation operates brakes on all the other wheels required to be fitted with brakes by this paragraph, and
 - (iii) where means of operation are provided in addition to those prescribed by this Regulation such additional means of operation may be disregarded for the purposes of this paragraph.
- (6) One at least of the means of operation shall be capable of causing brakes to be applied directly and not through the transmission gear to not less than half the number of the wheels of the vehicle.

Provided that in the case of a motor car having more than four wheels and registered before 1st October, 1938, it shall be deemed to be a sufficient compliance with this paragraph if one of the means of operation applies brakes directly and not through the transmission gear to not less than two of the wheels of the vehicle.

Provided also that where a motor car has more than four wheels and the drive is transmitted to all wheels other than the steering wheels without the interposition of a differential driving gear or similar mechanism between the axles carrying the driving wheels it shall be deemed to be a sufficient compliance with this paragraph if the brakes applied by one means of operation act directly on two driving wheels on opposite sides of the vehicle and the brakes applied by the other means of operation act directly on all other driving wheels.

(7) For the purpose of this Regulation—

- (i) in the case of a motor car registered on or after 1st October, 1938,
 - (a) except in the case of a motor car the unladen weight of which does not exceed one ton or which is a passenger vehicle constructed or adapted to carry not more than seven passengers exclusive of the driver, not more than one front wheel shall be included in half the number of the wheels of the vehicle for the purposes aforesaid ;
 - (b) every moving shaft to which any part of a braking system or any means of operation thereof is connected or by which it is supported shall be deemed to be part of that system ;
- (ii) in the case of a motor car propelled by steam and not used as a public service vehicle, the engine shall be deemed to be an efficient braking system with one means of operation if the engine is capable of being reversed and is incapable of being disconnected from any of the driving wheels of the vehicle except by the sustained effort of the driver. [1179]

40. All the wheels of a motor car the unladen weight of which exceeds one ton shall be equipped with pneumatic tyres.

Provided that this Regulation shall not apply until 1st January, 1942, to any motor car registered on or before 2nd January, 1933, if the vehicle is equipped with tyres of soft or elastic material.

Provided also that this Regulation shall not apply to motor cars not exceeding 30 cwts. in weight unladen designed for use in works or on private premises and used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood, or to motor cars designed for use and used by or on behalf of a local authority solely in connection with street cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cesspools if the vehicle is in each case equipped with tyres of soft or elastic material on every wheel. [1180]

41. A motor car shall be provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels unless adequate protection is afforded by the body of the vehicle.

Provided that this Regulation shall not apply in relation to the rear wheels of any motor car for the time being forming part of an articulated vehicle if the trailer forming the remaining part of the articulated vehicle is used only for, or empty in connection with, the carriage of round timber.

Provided also that this Regulation shall not apply in the case of a vehicle in an unfinished condition proceeding to a works for completion. [1181]

Motor Cycles

42.—(1) Every motor cycle shall be equipped with an efficient braking system or efficient braking systems in either case having two means of operation so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted, there shall still be available for application by the driver to at least one wheel of the vehicle brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.

(2) The application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation. [1182]

43. Every wheel of a motor cycle shall be equipped with pneumatic tyres. [1183]

44. Every motor cycle shall be equipped with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels. [1184]

Invalid Carriages

45. The overall width of an invalid carriage shall not exceed 7 feet 2 inches. [1185]

46. Every invalid carriage shall be equipped with an efficient braking system, the brakes of which act on at least two wheels of the vehicle, so designed and constructed that the application of the brakes shall bring the vehicle to rest within a reasonable distance. [1186]

47. Every invalid carriage shall be equipped with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels. [1187]

Trailers

48. The overall length of a trailer (excluding any draw bar) shall not exceed 22 feet.

Provided that this Regulation shall not apply to a trailer constructed and normally used for the conveyance of indivisible loads of exceptional length, to a land implement, to a trailer forming part of an articulated vehicle, to any broken down vehicle which is being drawn by a motor vehicle in consequence of the breakdown or to a trailer which is a trolley vehicle in course of construction or delivery. [1188]

49. The overall width of a trailer (other than a land implement) shall not exceed 7 feet 6 inches.

Provided that the overall width of a trailer which is in use by a travelling showman in connection with his business and was in such use before 15th January, 1931, may equal but shall not exceed 8 feet 9 inches.

Provided also that in the case of a trailer constructed before 1st January, 1933, which has been converted from use with solid tyres to use with pneumatic tyres the overall width may equal but shall not exceed 8 feet if the width of no part of the vehicle exceeds 7 feet 6 inches except where such increase is rendered necessary by the conversion.

Provided also that this Regulation shall not apply to any broken down vehicle which is being drawn by a motor vehicle in consequence of the breakdown. [1189]

50.—(1) Save as hereinafter provided in paragraph (2) hereof, every trailer exceeding 2 cwts. in weight unladen shall have an efficient braking system the brakes of which are capable of being applied when it is being drawn—

- (i) to at least two wheels in the case of a trailer having not more than four wheels ;
- (ii) to at least four wheels in the case of a trailer having more than four wheels, and
- (iii) in the case of trailers constructed after 1st April, 1938, to at least half the number of wheels of the trailer,

so constructed that—

- (a) the brakes can be applied either by the driver of the drawing vehicle or by some other person on such vehicle or the trailer.

Provided that this sub-paragraph shall not apply in the case of a trailer not exceeding 1 ton in weight unladen or in the case of a trailer not constructed or adapted to carry any load, other than plant or other special appliance or apparatus, which is a permanent or essentially permanent fixture, and not exceeding 2 tons in total weight, if in either case the brakes of the trailer automatically come into operation on the overrun of the trailer ; and

- (b) in the case of a trailer forming part of an articulated vehicle and being permanently attached to the drawing vehicle, the brakes are capable of being set so as effectively to prevent two at least of the wheels from revolving when the trailer is not being drawn ; and
- (c) in the case of any other trailer the brakes are capable of being set so as effectively to prevent two at least of the wheels from revolving when the trailer, whether it is attached to the drawing vehicle or not, is not being drawn.

In this paragraph the expression “ permanently attached ” means that

the trailer can only be detached from the drawing vehicle by an operation involving the use of facilities which are normally found only in a workshop.

(2) Paragraph (1) hereof shall not apply to—

- (i) any land implement drawn by a motor vehicle ;
- (ii) any trailer designed for use and used by or on behalf of a local authority for street cleansing which does not carry any load other than its necessary gear and equipment ; and
- (iii) any broken down vehicle which is being drawn by a motor vehicle in consequence of the breakdown.

(3) In the case of trailers constructed on or after 1st April, 1938, and as from 1st October, 1943, in the case of all trailers the braking system shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the drawing vehicle. [1190]

51. All the wheels of a trailer when the trailer is being drawn on a road shall be equipped with pneumatic tyres or tyres of soft or elastic material.

Provided that this Regulation shall not apply to—

- (i) any land implement or agricultural trailer ;
- (ii) any trailer constructed before 15th January, 1931, which is specially designed for the conveyance of horses and cattle and is used either for that purpose or for some other purpose connected with agriculture ; or
- (iii) any trailer constructed before 15th January, 1931, which is specially designed and used for the conveyance of furniture and other similar household effects. [1191]

52. All the wheels of a trailer drawn by a heavy motor car or a motor car and constructed after 1st January, 1933, shall be equipped with pneumatic tyres and as from 1st January, 1942, the wheels of every trailer so drawn shall be so equipped.

Provided that this Regulation shall not apply to trailers—

- (i) designed for use in works or on private premises and used on a road only in passing from one part of the works or premises to another, or to works or premises in the immediate neighbourhood.
- (ii) designed for use and used by or on behalf of a local authority solely in connection with street cleansing, the collection or disposal of refuse, or the collection or disposal of the contents of gullies or cesspools, or
- (iii) drawn by heavy motor cars all the wheels of which are not required to be equipped with pneumatic tyres. [1192]

53. The rear wheels, or in the case of a two-wheeled trailer the wheels, of every trailer shall be provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels, unless adequate protection is afforded by the body of the trailer.

Provided that this Regulation shall not apply to trailers in an unfinished condition proceeding to a works for completion, land implements, living vans, watercarts, trailers used only for, or empty in connection with, the carriage of round timber, trailer pumps used for Fire Brigade purposes, or trailers drawn by a vehicle the maximum speed of which is restricted by virtue of the provisions of the First Schedule to the Road Traffic Act, 1930, to 12 m.p.h. or less. [1193]

Regulations governing the use of motor vehicles and trailers

54. The owner of a locomotive shall cause the unladen weight of the vehicle to be painted or otherwise plainly marked upon some conspicuous place on the left or near side of the vehicle. [1194]

55. The owner of a motor tractor shall cause the weight of the vehicle unladen and the maximum speed at which it may be driven when not drawing a trailer to be painted or otherwise plainly marked upon some conspicuous place on the left or near side of the vehicle, and such marking shall include the words "without trailer". [1195]

56. The owner of a heavy motor car shall cause the weight of the vehicle unladen and the maximum speed at which it may be driven when not drawing a trailer to be painted or otherwise plainly marked upon some conspicuous place on the left or near side of the vehicle.

Provided that this Regulation shall not apply to a vehicle not registered under the Roads Act, 1920. [1196]

57. The owner of a trailer which, in compliance with Regulation 50 hereof, is fitted with overrun brakes shall cause the unladen weight of the trailer to be painted or otherwise plainly marked upon some conspicuous place on the left or near side of it. [1197]

58. On every vehicle (other than an invalid carriage, a vehicle used solely for fire brigade purposes or a hearse) which is not drawing a trailer and which is by virtue of the provisions of the First Schedule to the Road Traffic Act, 1930, restricted when not drawing a trailer to a speed limit of 20 m.p.h., and on every trailer (other than a trailer specially constructed for the carriage of round timber) attached to a drawing vehicle by partial super-imposition in such manner as to cause a substantial part of the weight to be borne by the vehicle if the drawing vehicle is by virtue of the provisions of sub-paragraph (2) of paragraph 2 of the said Schedule restricted to a speed limit of 20 m.p.h., there shall be exhibited in a conspicuous position at the rear thereof a disc of not less than 8 inches in diameter which complies in all respects with the following requirements :—

- (a) it shall be fixed in a vertical position facing squarely to the rear and shall be kept clean and unobscured so as to be plainly visible from behind the vehicle.
- (b) the surface facing to the rear shall be either black or white, and if black shall display thereon the number "20" in white and if white shall display thereon the said number in black, and for the purpose of this requirement "white" shall include the colour of polished aluminium or chromium plating.
- (c) each figure of the said number shall be $3\frac{1}{2}$ inches in height and $2\frac{1}{2}$ inches in total width and the width of every part of each figure shall be $\frac{5}{8}$ inch.
- (d) each figure shall be raised not less than $\frac{1}{8}$ inch from the surface of the disc, but each edge of the figure may be rounded or sloped for a width of $\frac{1}{8}$ inch. [1198]

59.—(1) Every heavy motor car registered on or after 1st October, 1938, shall have permanently attached to each wheel in a readily visible position a plate indicating the maximum nominal section of tyre for which the wheel is designed, or shall have the said maximum nominal section marked directly and indelibly on each wheel. Where a wheel is designed for more than one type of tyre the maximum nominal section in each type shall be indicated.

Provided that where the rim of the wheel is demountable the plate shall be fixed, or the marking made, on the rim of the wheel.

(2) No tyre shall be fitted to any wheel of a heavy motor car of a greater maximum nominal section than that indicated on the plate affixed to or marking made on the wheel in accordance with this Regulation. [1199]

60.—(1) When a motor vehicle is drawing a trailer or trailers on a road there shall be exhibited in a conspicuous position on the back of the trailer (or when more than one trailer is being drawn on the back of the rearmost trailer) a distinguishing mark in the form set out in the diagram contained in the Schedule to these Regulations.

(2) The reflex lenses indicated in the said diagram shall be $\frac{3}{4}$ inch in diameter and the colour thereof shall be red.

(3) The mark shall be—

(i) fixed to a trailer so that—

(a) the letter on the mark is vertical and easily distinguishable from behind the trailer ;

(b) it is either on the centre line or to the off-side of the trailer ;

(c) no part thereof is at a height exceeding 4 feet from the ground.

(ii) kept clean and unobscured.

Provided that this Regulation shall not apply to—

(i) any trailer forming part of an articulated vehicle ;

(ii) any broken down vehicle while being drawn in consequence of the breakdown ;

(iii) any trailer drawn by a motor car constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver ;

(iv) any trailer specially constructed for the carriage of round timber ;

(v) land implements (except living vans) and agricultural trailers ;

(vi) any water cart drawn by, and used for carrying water for, a road roller. [1200]

61. The maximum laden weight of a locomotive shall not exceed the unladen weight permitted by these Regulations by more than 3 tons. [1201]

62. The maximum total weight of all trailers, whether wheeled or track laying and whether laden or unladen, drawn by a locomotive whether wheeled or track laying shall not exceed 40 tons. [1202]

63. The total laden weight of a trailer whether wheeled or track laying together with that of any motor tractor, heavy motor car or motor car drawing such trailer in each case whether wheeled or track laying shall not exceed 22 tons.

Provided that in the case of a wheeled trailer drawn by a wheeled motor tractor, wheeled heavy motor car or wheeled motor car propelled by steam and using solid fuel, the total laden weight of the trailer together with that of the drawing vehicle may, if all the wheels of both vehicles are fitted with pneumatic tyres, equal but shall not exceed 24 tons.

Provided also that in the case of a wheeled trailer drawn by a wheeled motor tractor, wheeled heavy motor car or wheeled motor car which is propelled by gas the total laden weight of the trailer together with that of the drawing vehicle may, if all the wheels of both vehicles are fitted with pneumatic tyres, equal but shall not exceed 28 tons. [1203]

64. In the case of a heavy motor car or motor car the weight transmitted to the road surface by any one wheel where no other wheel is in the same line transversely shall not exceed 4 tons, the weight so transmitted by any two wheels in line transversely shall not exceed 8 tons, and the sum of the weights so transmitted by all the wheels shall not exceed, in the case of a vehicle with not more than four wheels, 12 tons, in the case of a vehicle with more than four but not more than six wheels, 19 tons, and in the case of a vehicle with more than six wheels, 22 tons.

Provided that in the case of a heavy motor car or motor car propelled by steam and using solid fuel—

- (i) the sum of the weights transmitted to the road surface by all the wheels may equal but shall not exceed—
 - (a) in the case of a four-wheeled vehicle 14 tons and
 - (b) in the case of a six-wheeled vehicle 20 tonsif the vehicle is not driven at a speed exceeding 12 m.p.h. at any time when all its wheels are not equipped with pneumatic tyres and its total weight exceeds either 12 tons or 19 tons as the case may be; and
- (ii) the weight transmitted to the road surface by any two wheels in line transversely may equal but shall not exceed 9 tons.

Provided also that in the case of a heavy motor car or motor car carrying gas equipment for the purpose of its propulsion—

- (i) the sum of the weights transmitted to the road surface by all the wheels of the vehicle may equal but shall not exceed—
 - (a) in the case of a vehicle with not more than four wheels, $12\frac{3}{4}$ tons,
 - (b) in the case of a vehicle with more than four but not more than six wheels, 20 tons, and
 - (c) in the case of a vehicle with more than six wheels 23 tons; and
- (ii) the weight transmitted to the road surface by any two wheels in line transversely may equal but shall not exceed $8\frac{3}{4}$ tons. [1204]

65. The total weight transmitted to the road surface by any two wheels of a trailer in line transversely shall not exceed $6\frac{1}{2}$ tons.

Provided that in the case of a two-wheeled trailer forming part of an articulated vehicle the weight transmitted to the road surface by the wheels thereof may equal but shall not exceed 8 tons if all the wheels of the articulated vehicle are equipped with pneumatic tyres, and the total weight transmitted to the road surface by all the wheels of the articulated vehicle does not exceed 19 tons.

Provided also that in the case of a two-wheeled trailer, forming part of an articulated vehicle carrying gas equipment for the purpose of its propulsion, the weight transmitted to the road surface by the wheels of the trailer may equal but shall not exceed $8\frac{3}{4}$ tons if all the wheels of the articulated vehicle are equipped with pneumatic tyres and the total weight transmitted to the road surface by all the wheels of the articulated vehicle does not exceed 20 tons.

Provided also that in the case of a four-wheeled trailer or a six-wheeled trailer, while being used for the carriage of round timber, the weight transmitted to the road surface by any two wheels in line transversely may, if the vehicle is fitted with pneumatic tyres on all wheels, if it is not drawn at a speed exceeding 12 m.p.h. at any time when the weight so transmitted

exceeds $6\frac{1}{2}$ tons and if the total weight transmitted to the road surface by all wheels of the trailer does not exceed in the case of a four-wheeled trailer 13 tons and in the case of a six-wheeled trailer $19\frac{1}{2}$ tons, equal but shall not exceed 8 tons. [1205]

66. In the case of a heavy motor car, motor car or trailer whether laden or unladen the weight transmitted to any strip of the surface upon which the vehicle rests contained between any two parallel lines drawn 2 feet apart on that surface at right-angles to the longitudinal axis of the vehicle shall not exceed 10 tons. [1206]

67.—(1) Every motor vehicle, every trailer drawn thereby and all parts and accessories of such vehicle and trailer shall at all times be in such condition, and the number of passengers carried by, and the weight, distribution, packing and adjustment of the load, of such vehicle or trailer shall at all times be such that no danger is caused or is likely to be caused to any person on the vehicle or trailer or on a road.

Provided that in the case of a public service vehicle the provisions of this Regulation with regard to the number of passengers carried shall be deemed to be complied with if the number does not exceed that for the time being permitted by Regulations made by the Minister of Transport with regard to the equipment and use of public service vehicles.

(2) The load carried by any vehicle shall be so secured that danger is not likely to be caused to any person on a road by reason of the load or any part thereof falling from the vehicle.

(3) No motor vehicle or trailer shall be used for any purpose for which it is so unsuitable as to cause or be likely to cause danger to any person on the vehicle or trailer or on a road. [1207]

68. Every windscreen wiper required by these Regulations to be fitted to a motor vehicle and every part of every braking system and of the means of operation thereof fitted to a motor vehicle or trailer, and all steering gear fitted to a motor vehicle shall at all times, while the motor vehicle or trailer is used on a road, be maintained in good and efficient working order and shall be properly adjusted. [1208]

69.—(1) No person shall use or cause or permit to be used on a road any vehicle propelled by an internal combustion engine so that the exhaust gases from the engine escape into the atmosphere without first passing through the silencer, expansion chamber or other contrivance required by these Regulations to be fitted.

(2) Every such silencer, expansion chamber or other contrivance shall at all times while the vehicle is used on a road be maintained in good and efficient working order, and shall not have been altered in such a way that the noise caused by the escape of the exhaust gases is made greater by the alteration. [1209]

70. Every instrument for indicating speed provided in compliance with the requirements of Regulation 11 hereof shall

- (a) at all material times be maintained in good working order, and
- (b) be kept free from any obstruction which might prevent its being easily read (or the appropriate indication given thereby being easily seen or heard).

Provided that it shall be a good defence to proceedings taken in respect of a contravention of paragraph (a) of this Regulation to prove that

- (i) the defect occurred in the course of the journey during which the contravention was detected, or

- (ii) at the time when the contravention was detected steps had already been taken to have the defect remedied with all reasonable expedition. [1210]

71. All the tyres of a motor vehicle or trailer shall at all times, while the vehicle or trailer is used on a road be maintained in such condition as to be free from any defect which might in any way cause damage to the surface of the road or danger to persons on or in the vehicle or to other persons using the road. [1211]

72. All glass or other transparent material fitted to motor vehicles shall be maintained in such condition that it does not obscure the vision of the driver while the vehicle is being driven on a road. [1212]

73. Every motor vehicle shall be maintained in such condition, and shall be so driven and used on a road, that there shall not be emitted therefrom any smoke, visible vapour, grit, sparks, ashes, cinders or oily substance, the emission of which could be prevented or avoided by the taking of any reasonable steps or the exercise of reasonable care, or the emission of which might cause damage to other persons or property or endanger the safety of any other users of the road in consequence of any harmful content therein. [1213]

74. No part of the contents of any closet, urinal, lavatory basin or sink carried by a motor vehicle or trailer, or of any tank into which such closet, urinal, lavatory basin or sink drains shall be discharged or allowed to leak on to a road. [1214]

75. No person shall use or cause or permit to be used on a road any motor vehicle or trailer which causes any excessive noise either directly or indirectly as a result of :—

- (a) any defect (including a defect in design or construction), lack of repair or faulty adjustment in the motor vehicle or trailer or any part or accessory of such motor vehicle or trailer, or
- (b) the faulty packing or adjustment of the load of such motor vehicle or trailer.

Provided that it shall be a good defence to proceedings taken under this Regulation :—

- (i) to prove that the noise or continuance of the noise in respect of which the proceedings are taken, was due to some temporary or accidental cause and could not have been prevented by the exercise of due diligence and care on the part of the owner or driver of the motor vehicle ; or
- (ii) in the case of proceedings against the driver or person in charge of the motor vehicle who is not the owner thereof, to prove that the noise arose through a defect in design or construction of the motor vehicle or trailer or through the negligence or fault of some other person, whose duty it was to keep the motor vehicle or trailer in proper condition or in a proper state of repair or adjustment or properly to pack or adjust the load of such motor vehicle or trailer as the case may be, and could not have been prevented by the exercise of reasonable diligence and care on the part of such driver or other person in charge of the motor vehicle. [1215]

76. No motor vehicle shall be used on a road in such manner as to cause any excessive noise which could have been avoided by the exercise of reasonable care on the part of the driver. [1216]

77. The driver of every motor vehicle shall, when the vehicle is stationary otherwise than through enforced stoppage owing to the necessities of traffic,

stop the action of any machinery attached to, or forming part of, such vehicle, so far as may be necessary for the prevention of noise.

Provided that this Regulation shall not apply so as to prevent the examination or working of the machinery attached to, or forming part of, a motor vehicle where any such examination or working is rendered necessary by any failure or derangement of the said machinery or where the machinery attached to or forming part of the vehicle is required to be worked for some ancillary purpose.

Provided also that this Regulation shall not apply in the case of a motor vehicle which is propelled by gas produced in a plant carried on the vehicle or on a trailer drawn by the vehicle. [1217]

78. No person shall sound any instrument fitted to any motor vehicle for signalling its approach between the hours of 11.30 p.m. and 7 a.m. on any road on which there is provided a system of street lighting furnished by means of lamps placed not more than 200 yards apart or where a direction that the road shall be deemed to be a road in a built-up area is in force under the Road Traffic Act, 1934.

Provided that this Regulation shall not apply to any vehicle on an occasion when it is being used for fire brigade, salvage corps, ambulance or police purposes if the observance thereof would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion. [1218]

79. When a motor vehicle is stationary on a road no person shall use or permit to be used any audible warning instrument with which it is fitted. [1219]

80. No person shall except in the case of a road roller or other road plant while actually engaged in the construction, maintenance or repair of roads, cause a motor vehicle to travel backwards for a greater distance or time than may be requisite for the safety or reasonable convenience of the occupants of that vehicle or of other traffic on the road. [1220]

81. No person in charge of a motor vehicle or trailer shall cause or permit the motor vehicle or trailer to stand on a road so as to cause any unnecessary obstruction thereof. [1221]

82.—(1) No person in charge of a motor vehicle or trailer drawn thereby shall cause or permit such trailer to stand when detached from the drawing vehicle unless one at least of the wheels of the trailer is prevented from revolving by the setting of the brake or the use of a chain.

(2) No person while actually driving a motor vehicle shall be in such a position that he cannot have proper control over the vehicle or that he cannot retain a full view of the road and traffic ahead.

(3) No person in charge of a motor vehicle shall quit the vehicle without having stopped the engine and, where the vehicle is fitted with a brake capable of being set, having set the brake so as effectually to prevent two at least or in the case of a vehicle with only three wheels one of the wheels from revolving.

Provided that this paragraph shall not apply to prevent the working of the engine of a fire brigade vehicle for any fire fighting purpose. [1222]

83. The driver of every vehicle propelled by steam (other than a motor car) shall, unless two persons are carried upon it for the purpose of driving or attending to the vehicle, stop the vehicle whenever it is necessary to attend to the furnace. [1223]

84. Where a trailer is drawn by a motor vehicle whether wheeled or track laying the driver (or in the case of a locomotive one of the persons employed in driving or tending the locomotive) shall be in a position readily to operate any brakes required by these Regulations to be fitted to the trailer as well as the brakes of the motor vehicle, unless a person other than the driver is in a position and competent efficiently to apply the brakes of the trailer.

Provided that this Regulation shall not apply in the case of trailers which, in compliance with these Regulations, are fitted with brakes which automatically come into operation on the overrun of the trailer. [1224]

85. The requirements of section 17 of the Road Traffic Act, 1930, with regard to the employment of drivers and attendants shall not apply in the following cases, that is to say :—

- (i) in the case of any articulated vehicle ;
- (ii) where a land locomotive or a land tractor is drawing a land implement ;
- (iii) where a trailer with not more than two wheels is drawn by a motor car or a motor cycle ;
- (iv) where a motor tractor is drawing—
 - (a) any closed trailer specially constructed and used for the conveyance of meat between docks and railway stations or between wholesale markets and docks or railway stations ;
 - (b) any machine or implement used for the purpose of the maintenance, repair or cleansing of roads ; or
 - (c) any trailer designed for use and used by or on behalf of a local authority solely in connection with street cleansing, the collection or disposal of refuse, or the collection or disposal of the contents of gullies or cesspools ;
- (v) where a motor vehicle and any trailer drawn thereby, not exceeding 30 cwt. in weight unladen in each case, are designed for use in works or on private premises and are used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood ;
- (vi) where a gas trailer is drawn by a heavy motor car or a motor car. [1225]

86. No motor vehicle shall tow any other vehicle unless the tow rope or chain be so adjusted that the distance separating the nearest points of the two vehicles shall not exceed 15 feet, and steps shall be taken to render the tow rope or chain easily distinguishable by other users of the road. [1226]

87. No motor vehicle which exceeds 26 feet in length shall draw a trailer, other than a gas trailer.

Provided that this Regulation shall not apply to any broken down vehicle which is being drawn by a motor vehicle in consequence of the breakdown. [1227]

88. Every side-car fitted to a motor cycle shall be so attached that the wheel thereof is not wholly outside perpendicular planes at right angles to the longitudinal axis of the motor cycle passing through the extreme projecting points in the front and in the rear of the motor cycle. [1228]

89. As from 1st January, 1942, a motor cycle with not more than two wheels and without a side-car shall not draw a trailer.

Provided that this Regulation shall not apply to prevent the towing of a broken down motor cycle which is being drawn by another motor cycle in consequence of the breakdown. [1229]

90. No motor cycle shall draw a trailer exceeding 5 cwts. in weight unladen or 5 feet in overall width. [1230]

91. No invalid carriage shall draw a trailer. [1231]

92. No trailer shall be used for the conveyance of passengers for hire or reward. [1232]

93. No mascot shall be carried by a motor vehicle registered on or after 1st October, 1937, in any position where it is likely to strike any person with whom the vehicle may collide unless the mascot is not liable to cause injury to such person by reason of any projection thereon. [1233]

94. If any person uses or causes or permits to be used on any road a motor vehicle or trailer in contravention of or fails to comply with any Regulations contained in Part III of these Regulations he shall for each offence be liable to a fine not exceeding twenty pounds. [1234]

PART IV

Testing and inspection of brakes, silencers and steering gear

95.—(1) Any police constable in uniform, and any person for the time being appointed by the Minister of Transport as a Certifying Officer or Public Service Vehicle Examiner under the Road Traffic Act, 1930, or as an Examiner under the Road and Rail Traffic Act, 1933, who shall produce his authority if required, is hereby empowered to test and inspect either on a road or, subject to the consent of the owner of the premises, on any premises where the vehicle is, any brakes, silencers or steering gear fitted to a motor vehicle or trailer.

(2) (i) The power conferred by this Regulation to test and inspect the brakes, silencers or steering gear of a vehicle on the premises where the vehicle is shall not be exercised unless either the owner of the vehicle consents or notice of the date and time at which it is proposed to carry out the test and inspection has been given to him in accordance with the provisions of the next succeeding sub-paragraph ;

(ii) The said notice shall be given to the owner of the vehicle personally or left at his address not less than 48 hours before the time of the proposed test and inspection or shall be sent not less than 72 hours before that time by registered post to him at his address ;

(iii) For the purposes of this Regulation, the owner of the vehicle shall be deemed to be—

(a) in the case of a vehicle registered under the Roads Act, 1920, the person appearing as the owner of the vehicle in the register kept by the appropriate Council under section 6 of the Act ;

(b) in the case of a vehicle used under a general licence, the holder of the licence ; and

(c) in the case of a vehicle which is used under an international circulation permit, the person to whom the permit was issued ;

and in cases (a) and (b) the address of the owner as shown on the register of the Council registering the vehicle or on the licence as the case may be may be treated as his address.

(3) The provisions of paragraph (2) of this Regulation shall not apply in the case of a test and inspection made within 48 hours of an accident to which section 22 of the Road Traffic Act, 1930, applies and in which the vehicle has been involved. [1235]

PART V

Interpretation

96. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [1236]

THE SCHEDULE

Diagram referred to in Regulation 60 of these Regulations.

White letter on Black Ground. [1237]

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THE MOTOR VEHICLES (CONSTRUCTION AND USE) (AMENDMENT) PROVISIONAL REGULATIONS, 1941

P. R. & O., 1941

August 22, 1941

Whereas in exercise of the powers vested in him under section 30 of the Road Traffic Act, 1930, the Minister of Transport on the 21st day of March, 1941, made the Motor Vehicles (Construction and Use) Regulations, 1941 (hereinafter referred to as "the Principal Regulations");

And whereas it is expedient that the provision of the Principal Regulations should be modified in manner hereinafter appearing.

Now, therefore, the Minister of War Transport in exercise of the powers vested in him hereby makes the following Regulations and further certifies under section 20 of the Rules Publication Act, 1893, that on account of urgency such Regulations should come into force forthwith as Provisional Regulations and continue in force until Statutory Rules shall have been made in accordance with the last mentioned Act.

The reference for s. 20 of the Rules Publication Act, 1893, is presumably a misprint, and should be s. 2.

1. These Regulations may be cited as "The Motor Vehicles (Construction and Use) (Amendment) Provisional Regulations, 1941." [1238]

2. The Principal Regulations shall have effect as though :—

(i) the following were added as a further proviso to Regulation 63 thereof :—

"Provided further that in any case except that of an articulated vehicle, where the trailer is fitted with power-assisted brakes which can be operated by the driver of the driving vehicle and are not rendered ineffective by the non-rotation of the engine of the drawing vehicle, the total laden weight of the trailer together with that of the drawing vehicle may, if the drawing vehicle is equipped with a warning device so placed as to be readily visible to the driver when in the driving seat in order to indicate an impending failure or deficiency in the vacuum or pressure system, equal but shall not exceed 32 tons."

- (ii) Regulation 87 thereof were omitted and the following Regulation were substituted therefor :—

“ 87.—(1) The total overall length of a heavy motor car or a motor car and a trailer drawn thereby shall not exceed 60 ft.

(2) The definition of ‘overall length’ in Regulation 3 hereof shall apply for the purpose of this Regulation, except that the parallel planes therein specified shall pass respectively through the extreme projecting point at the front of the drawing vehicle and the extreme projecting point at the rear of the trailer when the connection between the two vehicles is fully extended and the longitudinal axes of the two vehicles are in the same straight line.” [1239]

3. The Interpretation Act, 1889, applies for the purposes of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [1240]

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THE MOTOR VEHICLES (CONSTRUCTION AND USE) (AMENDMENT) (NO. 3) PROVISIONAL REGULATIONS, 1941

P.R. & O., 1941

November 4, 1941

Whereas in exercise of the powers conferred on him by section 30 of the Road Traffic Act, 1930, the Minister of Transport on the 21st day of March, 1941, made the Motor Vehicles (Construction and Use) Regulations, 1941 (hereinafter referred to as “the Principal Regulations”).

And whereas it is expedient that the provisions of the Principal Regulations should be modified in manner hereinafter appearing.

Now, therefore, in exercise of the powers vested in him the Minister of War Transport hereby makes the following Regulations and further certifies under section 2 of the Rules Publication Act, 1893, that on account of urgency such Regulations should come into force forthwith as Provisional Regulations and continue in force until statutory rules shall have been made in accordance with the last mentioned Act.

1. These Regulations may be cited as “The Motor Vehicles (Construction and Use) (Amendment) (No. 3) Provisional Regulations 1941.” [1241]

2. Regulation 85 of the Principal Regulations shall have effect as though the following words were added thereto :—

“(vii) where a motor vehicle is drawing a trailer not exceeding 1 ton in weight unladen, or a trailer not constructed to carry and not carrying a load other than plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, and not exceeding 2 tons in total weight, if in either case the brakes of the trailer automatically come into operation on the overrun of the trailer.” [1242]

3. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [1243]

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THE MOTOR VEHICLES (CONSTRUCTION AND USE) (TRACK LAYING VEHICLES) REGULATIONS, 1941

S. R. & O., 1941, No. 459

March 20, 1941

The Minister of Transport under and by virtue of the powers conferred on him by the Road Traffic Act, 1930, hereby makes the following Regulations to supersede the Motor Vehicles (Construction and Use) (Track Laying Vehicles) Provisional Regulations, 1937, and all Regulations amending them.

PART I

General

1. These Regulations may be cited as "The Motor Vehicles (Construction and Use) (Track Laying Vehicles) Regulations, 1941." [1244]

2.—(1) These Regulations shall apply to track laying vehicles only.

(2) Regulations 6, 7, 15, 18, 24 and 28 of these Regulations shall not apply to road rollers.

(3) Every motor vehicle registered before the expiration of one year from the making of any Regulation hereof by which the requirements as regards the construction or weight of any class or description of vehicles is varied shall be exempt from the requirements of that Regulation for a period of 5 years from the making thereof, provided that it complies with the requirements of the Regulations to which it would have been subject immediately prior to the making of that Regulation. [1245]

3.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

"Overall length" means the length of a vehicle measured between parallel planes passing through the extreme projecting points of the vehicle exclusive of :—

- (a) any starting handle,
- (b) any hood when down,
- (c) any ladder forming part of a turntable fire-escape fixed to a vehicle,
- (d) any telescopic fog lamp when extended, and
- (e) any snow-plough fixed in front of a vehicle.

"Overall width" means the width measured between parallel planes passing through the extreme projecting points of the vehicle exclusive of the driving mirror, and of any direction indicator when in operation and of any snow-plough fixed in front of the vehicle and of so much of the distortion of any tyre as is caused by the weight of the vehicle.

"Safety glass" means glass so constructed or treated that if fractured it does not fly into fragments capable of causing severe cuts.

"Locomotive" means a heavy locomotive or a light locomotive.

"Land locomotive" means a locomotive designed and used primarily for work on the land in connection with agriculture, forestry, land levelling, dredging and similar operations, which is driven on a road only when proceeding to and from the site of such work and which when so driven hauls nothing other than land implements.

"Land tractor" means a motor tractor designed and used primarily for work on the land in connection with agriculture, grass cutting, forestry, land levelling, dredging and similar operations, which is driven on a road only when proceeding to and from the site of such work and which when so driven hauls nothing other than land implements or agricultural trailers.

"Land implement" means any implement or machinery used with a land locomotive or a land tractor in connection with agriculture, grass cutting, forestry, land levelling, dredging or similar operations and includes a living van and any trailer which for the time being carries only the necessary gear or equipment of the land locomotive or land tractor which draws it.

"Agricultural trailer" means a trailer the property of a person engaged in agriculture which is used on a road only for the conveyance of agricultural produce or of articles required for the purposes of agriculture.

"Articulated Vehicle" means a heavy motor car or a motor car with a trailer so attached to the drawing vehicle that part of the trailer is superimposed upon the drawing vehicle, and when the trailer is uniformly loaded not less than 20 per cent. of the weight of its load is borne by the drawing vehicle.

"Indivisible load" means a load which cannot without undue expense or risk of damage be divided into two or more loads for the purpose of conveyance on a road.

"Wheel" in the case of a motor vehicle or trailer means a wheel, the tyre of which when the vehicle is in motion on a road is in contact with the ground.

"Track laying" in relation to a vehicle means that the vehicle is so designed and constructed that the weight thereof is transmitted to the road surface either by means of continuous tracks or by a combination of wheels and continuous tracks in such circumstances that the weight transmitted to the road surface by the tracks is not less than half the weight of the vehicle.

"Registered" means registered for the first time under the Roads Act, 1920.

"Pneumatic tyre" means a tyre which complies in all respects with the following requirements :—

- (i) it shall be provided with a continuous closed chamber containing air at a pressure substantially exceeding atmospheric pressure when the tyre is in the condition in which it is normally used, but is not subjected to any load ;
- (ii) it shall be capable of being inflated and deflated without removal from the wheel or vehicle ;
- (iii) it shall be such, that when it is deflated and is subjected to a normal load, the sides of the tyre collapse.

"Gas" means any fuel that is wholly gaseous at 60° Fahrenheit under a pressure of 30 inches of mercury.

"Gas equipment" means a container or containers for holding, or plant and materials for producing gas.

"Gas trailer" means a trailer used solely for the carriage of gas equipment for the purpose of the propulsion of the drawing vehicle.

(2) Except where otherwise provided in these Regulations a tyre shall not be deemed to be of soft or elastic material unless the said material is either :—

- (i) continuous round the circumference of the wheel, or
- (ii) fitted in sections so that so far as reasonably practicable no space is left between the ends thereof,

and is of such thickness and design as to minimise, so far as reasonably possible, vibration when the vehicle is in motion, and so constructed as to be free from any defect which might in any way cause damage to the surface of a road.

(3) For the purpose of these Regulations a brake drum shall not be deemed to form part of a braking system.

(4) For the purpose of these Regulations any two wheels of a motor vehicle or trailer in contravention of or fails to comply with any Regulations contained in Part III of these Regulations he shall for each offence be liable to a fine not exceeding twenty pounds. [1246]

4. If any person uses or causes or permits to be used on any road a motor vehicle or trailer in contravention of or fails to comply with any Regulations contained in Part III of these Regulations he shall for each offence be liable to a fine not exceeding twenty pounds. [1247]

PART II

Regulations governing the construction, weight and equipment of motor vehicles and trailers

5. The overall length of a motor vehicle shall not exceed 30 feet. [1248]

6. Every motor vehicle or trailer with more than two wheels shall be provided with such compensating arrangement as will ensure that all the wheels will remain in contact with the road surface and under the most adverse conditions will not be subjected to abnormal variations of load; provided that this requirement shall not apply to any steerable wheel of a motor vehicle if the load on such wheel does not exceed $2\frac{1}{2}$ tons. [1249]

7.—(1) Every motor vehicle and every trailer drawn thereby shall be equipped with suitable and sufficient springs between each wheel and the frame of the vehicle.

(2) Every motor vehicle and every trailer drawn thereby shall have resilient material interposed between the rims of the weight carrying rollers and the road surface whereby the weight of the vehicle other than that borne by the wheels, if any (not necessarily including that portion of the track in contact with the road surface), is supported by the resilient material and every heavy motor car and motor car and every trailer drawn thereby shall in addition have suitable and sufficient springs between the frame of the vehicle and the weight carrying rollers.

Provided that this Regulation shall not apply to :—

- (i) any vehicle registered on or before 1st January, 1932 ;
- (ii) any land locomotive, land tractor, land implement, agricultural trailer or trailer used solely for, or empty in connection with, the haulage of round timber ;
- (iii) mobile cranes ;
- (iv) vehicles designed for use in works or on private premises and used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood provided that such vehicles have resilient material interposed between the rims of the weight carrying rollers and the road surface as described in paragraph 2 of this Regulation. [1250]

8. Every motor vehicle shall be equipped with a braking system (which may be one of the braking systems hereafter prescribed) so designed and constructed that it can at all times be set to lock the tracks of the vehicle so as to prevent their movement when the vehicle is not being driven or is left unattended.

Provided that this Regulation shall not apply to land locomotives registered on or before 1st January, 1932. [1251]

9. In the case of every vehicle those parts of the track which come into contact with the road surface shall be flat and have a minimum width of half an inch. The total area of each track actually in contact with the road surface at any one time shall be not less than 36 square inches in respect of each ton of the total weight of the vehicle which is transferred to the road surface by means of the tracks or (in the case of a land locomotive or land tractor registered before 1st January, 1936) in respect of each ton of the unladen weight of the vehicle. [1252]

10. Every motor vehicle registered on or after 1st October, 1937, and as from 1st October, 1942, every motor vehicle which is fitted with a servo braking system which embodies a vacuum or pressure reservoir or reservoirs shall be provided with a warning device so placed as to be readily visible to the driver of the vehicle when in the driving seat in order to indicate any impending failure or deficiency in the vacuum or pressure system. [1253]

11.—(1) To every motor vehicle, registered on or after 1st October, 1937, other than a land tractor or a vehicle which it is at all times unlawful to drive at a speed exceeding 12 m.p.h., there shall be fitted an instrument so constructed and in such position as at all times to indicate to the driver of the vehicle with a margin of accuracy of plus or minus ten per cent. if and when he is driving at a speed in excess of that specified in paragraph (2) hereof.

(2) The speed to which reference is made in paragraph (1) hereof shall be such speed as is specified in the First Schedule to the Road Traffic Act, 1930, as the maximum speed for the vehicle to which the instrument aforesaid is fitted in compliance with this Regulation, or if no such speed is prescribed, 30 m.p.h.

Provided that when, by reason of the fact that a vehicle to which this Regulation applies is drawing a trailer or trailers the maximum speed at which it is lawful to drive such vehicle is lower than the speed at which it is lawful to drive such vehicle without such trailer or trailers, the instrument aforesaid shall not be required to indicate such lower speed. [1254]

12. All wheels of a motor vehicle and all wheels of a trailer which are equipped with tyres other than pneumatic tyres shall have a rim diameter of not less than 670 mm.

Provided that this Regulation shall not apply:—

(i) until 1st January, 1942:—

(a) to any motor vehicle registered on or before 2nd January, 1933; and

(b) to any trailer constructed before 1st January, 1933;

(ii) to any wheel fitted to a motor car registered on or before 1st July, 1936, if the diameter of the wheel inclusive of the tyre is not less than 670 mm.;

(iii) to any motor vehicle or trailer not exceeding 30 cwts. in weight unladen designed for use in works or on private premises and used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood.

- (iv) to any motor vehicle or trailer designed for use and used by or on behalf of a local authority solely in connection with street cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cesspools ;
- (v) to any mobile crane ; or
- (vi) to any land implement. [1255]

13. Every motor vehicle which exceeds 8 cwt. in weight unladen, shall be capable of being so worked that it may travel either forwards or backwards. [1256]

14. Every motor vehicle shall be so designed and constructed that the driver thereof while controlling the vehicle can at all times have a full view of the road and traffic ahead of the motor vehicle. [1257]

15. Every motor vehicle shall be equipped either internally or externally with a mirror so constructed and fitted to the motor vehicle as to assist the driver if he so desires to become aware of traffic to the rear of the vehicle.

Provided that this Regulation shall not apply to :—

- (i) land locomotives and land tractors ;
- (ii) a motor vehicle when drawing a trailer if a person is carried on the trailer in a position which affords an uninterrupted view to the rear and such person is provided with efficient means of communicating to the driver the effect of signals given by the drivers of other vehicles in rear thereof ; or
- (iii) a motor vehicle designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another, or to works or premises in the immediate neighbourhood, if the driver can easily obtain a clear view of traffic to the rear. [1258]

16.—(1) The glass of wind-screens and windows facing to the front on the outside of any motor vehicle shall be safety glass.

(2) For the purposes of this Regulation any wind-screen or window at the front of the vehicle the inner surface of which is at an angle exceeding 30 degrees to the longitudinal axis of the vehicle shall be deemed to face to the front. [1259]

17. An efficient automatic wind-screen wiper shall be fitted to every vehicle which is so constructed that the driver cannot, by opening the windscreen or otherwise, obtain an adequate view to the front of the vehicle without looking through the wind-screen. [1260]

18. Every motor vehicle other than a locomotive or a land tractor shall be fitted with an instrument capable of giving audible and sufficient warning of its approach or position.

Provided that no such instrument shall consist of a gong, bell or siren.

Provided also that nothing in this Regulation shall apply to any motor vehicle designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another, or to works or premises in the immediate neighbourhood. [1261]

19. Every vehicle propelled by an internal combustion engine shall be fitted with a silencer, expansion chamber or other contrivance suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine. [1262]

20. Every motor vehicle shall be so constructed that no avoidable smoke or visible vapour is emitted therefrom. [1263]

21. Every motor vehicle using solid fuel shall be fitted with an efficient appliance for the purpose of preventing the emission of sparks or grit, and also with a tray or shield to prevent ashes and cinders from falling on to the road. [1264]

Locomotives

22. The overall width of a locomotive shall not exceed 9 feet. [1265]

23. The unladen weight of a locomotive shall not exceed $15\frac{1}{2}$ tons, or where all the wheels are fitted with tyres of soft or elastic material and where resilient material is interposed between the rims of the weight carrying rollers and the road surface whereby the weight of the vehicle other than that borne by the wheels, if any (not necessarily including that portion of the track in contact with the road surface), is supported by the resilient material $17\frac{1}{2}$ tons.

Provided that:—

- (i) these weights may be exceeded by $1\frac{1}{2}$ tons if the locomotive carries as a permanent fitting any jib crane, dynamo or extra winding drum or any one or more of such fittings, and
- (ii) in the case of cable ploughing engines the weight of any winding or windlass gear shall not be included in computing the unladen weight. [1266]

24.—(1) Except as hereinafter provided, every wheel of a locomotive shall be equipped with a tyre of soft or elastic material which either—

- (i) extends continuously round the circumference of the wheel, or
- (ii) is fitted in sections in such manner that
 - (a) at no point is any section separated by more than $\frac{3}{4}$ inch from any adjacent section, and
 - (b) the aggregate extent of all spaces between the sections measured along any line taken round the outer surface of the tyre and parallel to its edge does not exceed 6 inches.

(2) Paragraph (1) of this Regulation shall not apply to any steering wheel of a land locomotive if the tyre thereof is smooth soled and where the tyre touches the surface of the road is not less than 5 inches in width. [1267]

25. Every locomotive shall be equipped with an efficient braking system, the brakes of which act upon the tracks, so designed and constructed that the application of the brakes will bring the vehicle to rest within a reasonable distance. [1268]

Motor Tractors, Heavy Motor Cars, and Motor Cars

26. In the case of every motor tractor, heavy motor car or motor car:

- (i) The vehicle shall be equipped with an efficient system or systems with two means of operation so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted, there shall still be available for application by the driver to two tracks on opposite sides of the vehicle brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance; Provided that in the case of a road roller or a land tractor it shall be deemed to be a sufficient

compliance with this paragraph if the vehicle is equipped with one efficient braking system with one means of operation so designed and constructed that the application of the brakes will bring the vehicle to rest within a reasonable distance.

- (ii) The application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation.
- (iii) No braking system shall be rendered ineffective by the non-rotation of the engine.
- (iv) All the brakes operated by one of the means of operation shall be capable of being applied by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device.
- (v) Where any brake shoe is capable of being applied by more than one means of operation all the tracks of the vehicle shall be fitted with brakes and one of the means of operation shall operate a brake on each track :

Provided that where means of operation are provided in addition to those prescribed by this regulation such additional means of operation may be disregarded for the purposes of this paragraph.

- (vi) In the case of a vehicle registered on or after 1st January, 1936, every moving shaft to which any part of a braking system or any means of operation thereof is connected or by which it is supported shall be deemed to be part of that system. [1269]

27. The overall width of a motor tractor shall not exceed 7 feet 6 inches. [1270]

28. Every wheel of a motor tractor shall be equipped with pneumatic tyres or tyres of soft or elastic material.

Provided that this Regulation shall not apply to any steering wheel of a land tractor if the tyre thereof is smooth-soled and where the tyre touches the surface of the road is not less than $2\frac{1}{2}$ inches in width. [1271]

29. The overall width of a heavy motor car shall not exceed 7 feet 6 inches.

Provided that in the case of a vehicle registered on or before 1st July, 1932, this width may be exceeded by 6 inches in cases where the excess width has been necessarily caused by the conversion of the vehicle from use with solid tyres to use with pneumatic tyres. [1272]

30. All the wheels of a heavy motor car shall be equipped with pneumatic tyres.

Provided that this Regulation shall not apply until 1st January, 1942, to a heavy motor car registered on or before 2nd January, 1933, if the vehicle is equipped with tyres of soft or elastic material.

Provided also that this Regulation shall not apply—

- (i) to a heavy motor car exceeding 4 tons in weight unladen mainly used in operations which necessitate working on rough ground or unmade roads, or
- (ii) to a vehicle designed for use and used by or on behalf of a local authority solely in connection with street cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cesspools, to a turntable fire escape or to a tower wagon,

if the vehicle is in each case equipped with tyres of soft or elastic material on every wheel. [1273]

31. The overall width of a motor car shall not exceed 7 feet 6 inches. [1274]

32. All the wheels of a motor car the unladen weight of which exceeds one ton shall be equipped with pneumatic tyres.

Provided that this Regulation shall not apply until 1st January, 1942, to any motor car registered on or before 2nd January, 1933, if the vehicle is equipped with tyres of soft or elastic material.

Provided also that this Regulation shall not apply to motor cars not exceeding 30 cwts. in weight unladen designed for use in works or on private premises and used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood, or to motor cars designed for use and used by or on behalf of a local authority solely in connection with street cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cesspools, if the vehicle is in each case equipped with tyres of soft or elastic material on every wheel. [1275]

33. Every heavy motor car or motor car shall be provided with wings or other similar fittings to catch, as far as practicable, mud or water thrown up by the rotation of the wheels or movement of the tracks unless adequate protection is afforded by the body of the vehicle.

Provided that this Regulation shall not apply in relation to the wheels or tracks at the rear of any heavy motor car or motor car for the time being forming part of an articulated vehicle if the trailer forming the remaining part of the articulated vehicle is used only for, or empty in connection with, the carriage of round timber.

Provided also that this Regulation shall not apply in the case of a vehicle in an unfinished condition proceeding to a works for completion. [1276]

Trailers

34. The overall length of a trailer (excluding any draw bar) shall not exceed 22 feet.

Provided that this Regulation shall not apply to a trailer constructed and normally used for the conveyance of indivisible loads of exceptional length, or to a land implement or to a trailer forming part of an articulated vehicle or to any broken down vehicle which is being drawn by a motor vehicle in consequence of the breakdown. [1277]

35. The overall width of a trailer (other than a land implement) shall not exceed 7 feet 6 inches.

Provided that this Regulation shall not apply to any broken down vehicle which is being drawn by a motor vehicle in consequence of the breakdown. [1278]

36. Save as hereinafter provided in paragraph (iv) hereof :—

- (i) Every trailer shall have an efficient braking system the brakes of which act upon the tracks and are so constructed that the brakes are capable of being set so as effectually to prevent the tracks from movement when the trailer is not being drawn.
- (ii) No vehicle shall draw a trailer unless the trailer is fitted with the braking system required by this Regulation so designed and constructed that the brakes thereof automatically come into action when the trailer tends to over-run the drawing vehicle.

Provided that in the case of a trailer drawn by a vehicle having steerable wheels at the front it shall be sufficient compliance with this paragraph if the brakes so required can be applied either by the driver of the drawing vehicle or by some other person on the vehicle or trailer when the trailer is being drawn.

(iii) In the case of trailers constructed on or after 1st April, 1938, the braking system shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the drawing vehicle.

(iv) This Regulation shall not apply to—

- (a) any trailer not exceeding 2 cwt. in weight unladen ;
- (b) any land implement or agricultural trailer ;
- (c) any trailer designed for use and used by or on behalf of a local authority for street cleansing which does not carry any load other than its necessary gear and equipment ;
- (d) any broken down vehicle which is being drawn by a motor vehicle in consequence of the breakdown. [1279]

37. All the wheels of a trailer when the trailer is being drawn on a road shall be equipped with pneumatic tyres or tyres of soft or elastic material.

Provided that this Regulation shall not apply to any land implement or agricultural trailer. [1280]

38. All the wheels of a trailer drawn by a heavy motor car or a motor car and constructed after 1st January, 1933, shall be equipped with pneumatic tyres and as from 1st January, 1942, the wheels of every trailer so drawn shall be so equipped.

Provided that this Regulation shall not apply to trailers drawn by heavy motor cars all the wheels of which are not required to be equipped with pneumatic tyres. [1281]

39. The wheels or tracks at the rear of every trailer shall be provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels or the movement of the tracks unless adequate protection is afforded by the body of the trailer.

Provided that this Regulation shall not apply to trailers in an unfinished condition proceeding to a works for completion, to land implements, to trailers used only for, or empty in connection with, the carriage of round timber, or to trailers drawn by a vehicle the maximum speed of which is restricted by virtue of the provisions of the First Schedule to the Road Traffic Act, 1930, to 12 m.p.h. or less. [1282]

PART III

Regulations governing the use of motor vehicles and trailers

40. The owner of a locomotive shall cause the unladen weight of the vehicle to be painted or otherwise plainly marked upon some conspicuous place on the left or nearside of the vehicle. [1283]

41. The owner of a motor tractor shall cause the weight of the vehicle unladen and the maximum speed at which it may be driven when not drawing a trailer to be painted or otherwise plainly marked upon some conspicuous place on the left or nearside of the vehicle, and such marking shall include the words "without trailer". [1284]

42. The owner of a heavy motor car shall cause the weight of the vehicle unladen and the maximum speed at which it may be driven when not drawing a trailer to be painted or otherwise plainly marked upon some conspicuous place on the left or nearside of the vehicle.

Provided that this Regulation shall not apply to a vehicle not registered under the Roads Act, 1920. [1285]

43. On every vehicle which is not drawing a trailer and which is by virtue of the provisions of the First Schedule to the Road Traffic Act, 1930, restricted when not drawing a trailer to a speed limit of 20 m.p.h., and on every trailer (other than a trailer specially constructed for the carriage of round timber) attached to a drawing vehicle by partial superimposition in such manner as to cause a substantial part of the weight to be borne by the vehicle if the drawing vehicle is by virtue of the provisions of sub-paragraph (2) of paragraph 2 of the said Schedule restricted to a speed limit of 20 m.p.h., there shall be exhibited in a conspicuous position at the rear thereof a disc of not less than 8 inches in diameter which complies in all respects with the following requirements :—

- (a) It shall be fixed in a vertical position facing squarely to the rear and shall be kept clean and unobscured so as to be plainly visible from behind the vehicle.
- (b) The surface facing to the rear shall be either black or white, and if black shall display thereon the number "20" in white and if white shall display thereon the said number in black, and for the purpose of this requirement "white" shall include the colour of polished aluminium or chromium plating.
- (c) Each figure of the said number shall be $3\frac{1}{2}$ inches in height and $2\frac{1}{2}$ inches in total width and the width of every part of each figure shall be $\frac{5}{8}$ inch.
- (d) Each figure shall be raised not less than $\frac{1}{8}$ inch from the surface of the disc but each edge of the figure may be rounded or sloped for a width of $\frac{1}{8}$ inch. [1286]

44.—(1) Every heavy motor car registered on or after 1st October, 1938, shall have permanently attached to each wheel in a readily visible position a plate indicating the maximum nominal section of tyre for which the wheel is designed, or shall have the said maximum nominal section marked directly and indelibly on each wheel. Where a wheel is designed for more than one type of tyre the maximum nominal section in each type shall be indicated.

Provided that where the rim of the wheel is demountable the plate shall be fixed, or the marking made, on the rim of the wheel.

(2) No tyre shall be fitted to any wheel of a heavy motor car of a greater maximum nominal section than that indicated on the plate affixed to or marking made on the wheel in accordance with this Regulation. [1287]

45.—(1) When a motor vehicle is drawing a trailer or trailers on a road there shall be exhibited in a conspicuous position on the back of the trailer (or when more than one trailer is being drawn on the back of the rearmost trailer) a distinguishing mark in the form set out in the Diagram contained in the Schedule to these Regulations.

(2) The reflex lenses indicated in the said Diagram shall be $\frac{3}{4}$ inch in diameter and the colour thereof shall be red.

(3) The mark shall be—

(i) fixed to a trailer so that—

(a) the letter on the mark is vertical and easily distinguishable from behind the trailer ;

- (b) it is either on the centre line or to the off-side of the trailer ;
- (c) no part thereof is at a height exceeding 4 feet from the ground.

(ii) kept clean and unobscured.

Provided that this Regulation shall not apply to—

- (i) any trailer forming part of an articulated vehicle ;
- (ii) any broken down vehicle while being drawn in consequence of the breakdown ;
- (iii) any trailer drawn by a motor car constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver ;
- (iv) any trailer specially constructed for the carriage of round timber ;
- (v) land implements (except living vans) and agricultural trailers.

[1288]

46. The maximum laden weight of a locomotive shall not exceed the unladen weight permitted by these Regulations by more than 3 tons. [1289]

47. The maximum total weight of all trailers, whether laden or unladen, drawn by a locomotive shall not exceed 40 tons. [1290]

48. The total laden weight of a trailer together with that of any motor tractor, heavy motor car, or motor car drawing such trailer shall not exceed 22 tons.

Provided that in the case of a trailer drawn by a motor tractor, heavy motor car or motor car which is propelled by gas, the total laden weight of the trailer together with that of the drawing vehicle may equal but shall not exceed 23 tons. [1291]

49. The weight transmitted to the road surface by any one wheel of a heavy motor car or a motor car where no other wheel is in the same line transversely shall not exceed 4 tons and the weight so transmitted by any two wheels in line transversely shall not exceed in the case of a two-wheeled vehicle 8 tons and in the case of a vehicle with more than two wheels, $7\frac{1}{2}$ tons, and the sum of the weights transmitted to the road surface by all the wheels and the tracks shall not exceed 22 tons.

Provided that in the case of a heavy motor car or a motor car carrying gas equipment for the purpose of its propulsion the weight transmitted to the road surface by any two wheels in line transversely may equal but shall not exceed in the case of a two-wheeled vehicle $8\frac{1}{4}$ tons and in the case of a vehicle with more than two wheels $8\frac{1}{4}$ tons and the sum of the weights transmitted to the road surface by all the wheels and the tracks may equal but shall not exceed 23 tons. [1292]

50. The total laden weight of a trailer shall not exceed 13 tons. [1293]

51. In the case of a heavy motor car, motor car or trailer whether laden or unladen the weight transmitted to any strip of the surface upon which the vehicle rests contained between any two parallel lines drawn 2 feet apart on that surface at right-angles to the longitudinal axis of the vehicle shall not exceed 10 tons. [1294]

52.—(1) Every motor vehicle, every trailer drawn thereby and all parts and accessories of such vehicle and trailer shall at all times be in such condition, and the number of passengers carried by, and the weight, distribution, packing, and adjustment of the load of such vehicle or trailer shall at all times be such that no danger is caused or is likely to be caused to any person on the vehicle or trailer or on a road.

(2) The load carried by any vehicle shall be so secured that danger is not likely to be caused to any person on a road by reason of the load or any part thereof falling from the vehicle.

(3) No motor vehicle or trailer shall be used for any purpose for which it is so unsuitable as to cause or be likely to cause danger to any person on the vehicle or trailer or on a road. [1295]

53. Every windscreen wiper required by these Regulations to be fitted to a motor vehicle and every part of every braking system and of the means of operation thereof fitted to a motor vehicle or trailer, and all steering gear fitted to a motor vehicle shall at all times, while the motor vehicle or trailer is used on a road, be maintained in good and efficient working order and shall be properly adjusted. [1296]

54.—(1) No person shall use or cause or permit to be used on a road any vehicle propelled by an internal combustion engine so that the exhaust gases from the engine escape into the atmosphere without first passing through the silencer, expansion chamber or other contrivance required by these Regulations to be fitted.

(2) Every such silencer, expansion chamber or other contrivance shall at all times while the vehicle is used on a road be maintained in good and efficient working order, and shall not have been altered in such a way that the noise caused by the escape of the exhaust gases is made greater by the alteration. [1297]

55. Every instrument for indicating speed provided in compliance with the requirements of Regulation 11 hereof shall

(a) at all material times be maintained in good working order, and

(b) be kept free from any obstruction which might prevent its being easily read (or the appropriate indication given thereby being easily seen or heard).

Provided that it shall be a good defence to proceedings taken in respect of a contravention of paragraph (a) of this Regulation to prove that

(i) the defect occurred in the course of the journey during which the contravention was detected, or

(ii) at the time when the contravention was detected steps had already been taken to have the defect remedied with all reasonable expedition. [1298]

56. All the tracks of a motor vehicle or trailer shall at all times when the motor vehicle or trailer is used on a road be maintained in such condition as to be free from any defect which might in any way cause damage to the surface of the road or danger to persons on or in the vehicle or to other persons using the road, and be maintained in good and efficient working order, and shall be properly adjusted. [1299]

57. All the tyres of a motor vehicle or trailer shall at all times while the vehicle or trailer is used on a road be maintained in such condition as to be free from any defect which might in any way cause damage to the surface of the road or danger to persons on or in the vehicle or to other persons using the road. [1300]

58. All glass or other transparent material fitted to motor vehicles shall be maintained in such condition that it does not obscure the vision of the driver while the vehicle is being driven on a road. [1301]

59. Every motor vehicle shall be maintained in such condition, and shall be so driven and used on a road that there shall not be emitted therefrom any

smoke, visible vapour, grit, sparks, ashes, cinders or oily substance, the emission of which could be prevented or avoided by the taking of any reasonable steps or the exercise of reasonable care, or the emission of which might cause damage to other persons or property or endanger the safety of any other users of the road in consequence of any harmful content therein. [1302]

60. No person shall use or cause or permit to be used on a road any motor vehicle or trailer which causes any excessive noise either directly or indirectly as a result of :—

- (a) any defect (including a defect in design or construction) lack of repair or faulty adjustment in the motor vehicle or trailer, or any part or accessory of such motor vehicle or trailer, or
- (b) the faulty packing or adjustment of the load of such motor vehicle or trailer.

Provided that it shall be a good defence to proceedings taken under this Regulation :—

- (i) to prove that the noise or continuance of the noise in respect of which the proceedings are taken, was due to some temporary or accidental cause and could not have been prevented by the exercise of due diligence and care on the part of the owner or driver of the motor vehicle ; or
- (ii) in the case of proceedings against the driver or person in charge of the motor vehicle who is not the owner thereof, to prove that the noise arose through a defect in design or construction of the motor vehicle or trailer or through the negligence or fault of some other person whose duty it was to keep the motor vehicle or trailer in proper condition or in a proper state of repair or adjustment, or properly to pack or adjust the load of such motor vehicle or trailer as the case may be, and could not have been prevented by the exercise of reasonable diligence and care on the part of such driver or other person in charge of the motor vehicle. [1303]

61. No motor vehicle shall be used on a road in such manner as to cause any excessive noise which could have been avoided by the exercise of reasonable care on the part of the driver. [1304]

62. The driver of every motor vehicle shall, when the vehicle is stationary otherwise than through enforced stoppage owing to the necessities of traffic, stop the action of any machinery attached to, or forming part of, such vehicle, so far as may be necessary for the prevention of noise.

Provided that this Regulation shall not apply so as to prevent the examination or working of the machinery attached to, or forming part of, a motor vehicle where any such examination or working is rendered necessary by any failure or derangement of the said machinery or where the machinery attached to or forming part of the vehicle is required to be worked for some ancillary purpose.

Provided also that this Regulation shall not apply in the case of a motor vehicle which is propelled by gas produced in a plant carried on the vehicle or on a trailer drawn by the vehicle. [1305]

63. No person shall sound any instrument fitted to any motor vehicle for signalling its approach between the hours of 11.30 p.m. and 7 a.m. on any road on which there is provided a system of street lighting furnished by means of lamps placed not more than 200 yards apart or where a direction that the road shall be deemed to be a road in a built-up area is in force under the Road Traffic Act, 1934. [1306]

64. When a motor vehicle is stationary on a road no person shall use or permit to be used any audible warning instrument with which it is fitted. [1307]

65. No person shall, except in the case of a road roller or other road plant while actually engaged in the construction, maintenance or repair of roads, cause a motor vehicle to travel backwards for a greater distance or time than may be requisite for the safety or reasonable convenience of the occupants of that vehicle or of other traffic on the road. [1308]

66. No person in charge of a motor vehicle or trailer shall cause or permit the motor vehicle or trailer to stand on a road so as to cause any unnecessary obstruction thereof. [1309]

67.—(1) No person in charge of a trailer shall allow it to stand when detached from the drawing vehicle unless the tracks of the trailer are prevented from revolving by the setting of the brake or the use of a chain.

(2) No person while actually driving a motor vehicle shall be in such a position that he cannot have proper control over the vehicle or that he cannot retain a full view of the road and traffic ahead.

(3) No person in charge of a motor vehicle shall quit the vehicle without having stopped the engine and, where the vehicle is fitted with a brake capable of being set, having set the brake so as effectually to prevent the movement of the tracks of the vehicle. [1310]

68. The driver of every vehicle propelled by steam (other than a motor car) shall, unless two persons are carried upon it for the purpose of driving or attending to the vehicle, stop the vehicle whenever it is necessary to attend to the furnace. [1311]

69. Where a vehicle is drawing a trailer fitted with brakes which do not automatically come into action when the trailer tends to over-run the drawing vehicle, the driver (or in the case of a locomotive one of the persons employed in driving or attending the locomotive) shall be in a position readily to operate the brakes of the trailer as well as the brakes of the drawing vehicle unless a person other than the driver is in a position and competent efficiently to apply the brakes of the trailer. [1312]

70. The requirements of section 17 of the Road Traffic Act, 1930, with regard to the employment of drivers and attendants shall not apply in the following cases, that is to say :—

- (i) in the case of any articulated vehicle ;
- (ii) where a land locomotive or a land tractor is drawing a land implement;
- (iii) where a motor tractor is drawing any machine or implement used for the purpose of the maintenance, repair or cleansing of roads ;
- (iv) where a motor vehicle and any trailer drawn thereby, not exceeding 30 cwts. in weight unladen in each case, are designed for use in works or on private premises and are used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood.
- (v) Where a gas trailer is drawn by a heavy motor car or a motor car.

[1313]

71. No motor vehicle shall tow any other vehicle unless the tow rope or chain be so adjusted that the distance separating the nearest points of the two vehicles shall not exceed 15 feet, and steps shall be taken to render the tow rope or chain easily distinguishable by other users of the road. [1314]

72. No motor vehicle which exceeds 26 feet in length shall draw a trailer other than a gas trailer.

Provided that this Regulation shall not apply to any broken down vehicle which is being drawn by a motor vehicle in consequence of the breakdown. [1315]

73. No trailer shall be used for the conveyance of passengers for hire or reward. [1316]

74. No mascot shall be carried by a motor vehicle registered on or after 1st October, 1937, in any position where it is likely to strike any person with whom the vehicle may collide unless the mascot is not liable to cause injury to such person by reason of any projection thereon. [1317]

PART IV

Testing and inspection of brakes, silencers and steering gear

75.—(1) Any police constable in uniform, and any person for the time being appointed by the Minister of Transport as a Certifying Officer or Public Service Vehicle Examiner under the Road Traffic Act, 1930, or as an Examiner under the Road and Rail Traffic Act, 1933, who shall produce his authority if required, is hereby empowered to test and inspect either on a road or, subject to the consent of the owner of the premises, on any premises where the vehicle is, any brakes, silencers, or steering gear fitted to a motor vehicle or trailer.

(2) (i) The power conferred by this Regulation to test and inspect the brakes, silencers or steering gear of a vehicle on the premises where the vehicle is shall not be exercised unless either the owner of the vehicle consents or notice of the date and time at which it is proposed to carry out the test and inspection has been given to him in accordance with the provisions of the next succeeding sub-paragraph ;

(ii) The said notice shall be given to the owner of the vehicle personally or left at his address not less than 48 hours before the time of the proposed test and inspection or shall be sent not less than 72 hours before that time by registered post to him at his address ;

(iii) For the purposes of this Regulation, the owner of the vehicle shall be deemed to be—

(a) in the case of a vehicle registered under the Roads Act, 1920, the person appearing as the owner of the vehicle in the register kept by the appropriate Council under section 6 of the Act ;

(b) in the case of a vehicle used under a general licence, the holder of the licence ; and

(c) in the case of a vehicle which is used under an international circulation permit, the person to whom the permit was issued ;

and in cases (a) and (b) the address of the owner as shown on the register of the Council registering the vehicle or on the licence as the case may be may be treated as his address.

(3) The provisions of paragraph (2) of this Regulation shall not apply in the case of a test and inspection made within 48 hours of an accident to which section 22 of the Road Traffic Act, 1930, applies and in which the vehicle has been involved. [1318]

PART V

Interpretation

76. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [1319]

THE SCHEDULE

Diagram referred to in Regulation 45 of these Regulations. [1820]

* * * * *

THE MOTOR VEHICLES (AUTHORISATION OF SPECIAL TYPES) GENERAL ORDER, 1941

S. R. & O., 1941, No. 987

July 8, 1941

Whereas by virtue of the Ministers of the Crown (Minister of War Transport) Order, 1941, and section 3 of the Road Traffic Act, 1930, the Minister of War Transport (hereinafter called "the Minister") may by Order authorise, subject to such restrictions and conditions as may be specified in the Order, the use on roads of special motor vehicles or trailers or special types of motor vehicles or trailers which are constructed either for special purposes or for tests or trials;

Now, therefore, the Minister in exercise of the powers so conferred upon him and of all other powers thereto him enabling hereby makes the following Order :—

1. This Order may be cited as "The Motor Vehicles (Authorisation of Special Types) General Order, 1941." [1821]

2. The Orders specified in the First Schedule to this Order are hereby revoked. [1822]

3. For the purposes of this Order the expression "Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations, 1941, and the expression "Track Laying Regulations" means the Motor Vehicles (Construction and Use) (Track Laying Vehicles) Regulations, 1941. [1823]

4.—(1) The Minister authorises the use on roads of track-laying motor vehicles and track-laying trailers notwithstanding that such vehicles and trailers do not in all respects comply with the requirements of the Construction and Use Regulations, or the Track Laying Regulations :

Provided that—

(i) such vehicles or trailers are so used solely for the purpose of

(a) demonstration ; or

(b) enabling them to proceed to the nearest suitable railway station for conveyance to a port for shipment, or to proceed to a port for shipment from a place in the immediate vicinity of that port where suitable railway facilities are not available ;

(ii) such vehicles or trailers are not used for the carriage of goods or burden for hire or reward ; and

(iii) before any such vehicle or trailer is so used the consent of every highway authority or every person responsible for the maintenance and repair of any such road is in each case obtained in writing.

(2) Nothing in this paragraph shall be taken to deprive any highway authority or other person of any right to recover any extraordinary expenses which may be incurred in respect of any such road by reason of such user as aforesaid. [1824]

5. The Minister authorises the use on roads of the vehicles specified in Column 1 of the Second Schedule to this Order which are the property of, or for the time being under the control of, the persons specified in Column 2 of the said Schedule respectively opposite thereto notwithstanding that such vehicles do not in all respects comply with the requirements of the Regulations of the Construction and Use Regulations and the Track Laying Regulations respectively specified in Column 3 of the said Schedule. [1325]

6. The Minister authorises the drawing on roads by motor vehicles of aircraft the overall length of which does not exceed 30 feet, and the weight of which does not exceed 1 ton, notwithstanding that such aircraft do not comply with the requirements of Regulations 48 and 50 of the Construction and Use Regulations. [1326]

7. The Minister authorises the use on roads of trailers constructed before 1st August, 1933, which are used solely for the conveyance of life saving apparatus the property of the Board of Trade and of track-laying motor vehicles and track-laying trailers which are used solely for drawing or in connection with the launching of lifeboats the property of the Royal National Lifeboat Institution notwithstanding that such vehicles and trailers do not in all respects comply with the requirements of the Construction and Use Regulations or the Track Laying Regulations as the case may be. [1327]

8. Provided that they comply with the requirements of Regulations 14, 19, 20, 28 67, 73, 75, 76, 77 and 81 of the Construction and Use Regulations, the Minister authorises the use on roads of mowing machines not exceeding 5 cwt. in weight unladen and not constructed, adapted or used for carrying any person, notwithstanding that they do not comply with the remaining requirements of the Construction and Use Regulations. [1328]

9.—(1) The Minister authorises the use on roads of land locomotives as defined in Regulation 3 of the Construction and Use Regulations specially designed and constructed as rotary ploughs, notwithstanding that such vehicles do not comply with the requirements of Regulations 23 and 24 of those Regulations.

Provided that—

- (i) save as aforesaid they comply with all the requirements of the said Regulations ;
- (ii) the overall width of no such vehicle shall exceed 11 feet 6 inches ;
- (iii) the unladen weight of no such vehicle shall exceed 26 tons ;
- (iv) no such vehicle shall draw any trailer other than a living van or a trailer or trailers carrying the necessary gear and equipment of or fuel for the vehicle ;
- (v) where any such vehicle exceeds 8 feet in overall width, and
 - (i) is not drawing a trailer, three persons shall be in attendance upon it, one of whom shall whenever necessary by reason of the width of the road or otherwise proceed at a reasonable distance in front of the vehicle, and another of whom shall whenever so necessary as aforesaid proceed at a reasonable distance behind the vehicle to give warning to other traffic on the road, and
 - (ii) is drawing one or more trailers, at least one person shall be in attendance upon each trailer and such person or one of such persons as the case may be shall whenever necessary by reason of the width of the road or otherwise proceed at a reasonable distance behind the trailer or rearmost trailer to give warning to other traffic on the road ;

- (vi) before any such vehicle is moved for a distance exceeding 5 miles on the road four clear days' notice, or such less notice as may be accepted, shall be given to the chief officer or officers of police and the highway authority or authorities concerned and if any such highway authority consider that owing to adverse weather conditions or other special circumstances, the road surface is for the time being abnormally susceptible to damage they may withhold their consent and, during the time that such consent is withheld, the vehicle shall not be so moved.

(2) Nothing in this paragraph shall be taken to deprive any highway authority or other person of any right to recover any extraordinary expenses which may be incurred in respect of any such road by reason of such user as aforesaid. [1329]

10. The Minister authorises the use on roads of vehicles in the conduct of experiments or trials under section 6 of the Roads Improvement Act, 1925, notwithstanding that such vehicles do not comply with the requirements of the Construction and Use Regulations or of the Track Laying Regulations. [1330]

11.—(1) In this paragraph—

“ Abnormal indivisible load ” means a load which :—

- (a) cannot without undue expense or risk of damage be divided into two or more loads for the purpose of conveyance on a road, and
- (b) cannot, owing to its dimensions or weight, be carried by a motor vehicle or trailer complying in all respects with the requirements of the Construction and Use Regulations.

“ Engineering plant ” means moveable plant or equipment which does not comply in all respects with the requirements of the Construction and Use Regulations or the Track Laying Regulations, and which is either :—

- (a) a motor vehicle or trailer specially designed and constructed for use in connection with engineering operations and which is only used on a road in proceeding to and from the site of such operations or when actually engaged in such operations and carrying no load other than its own necessary gear or equipment, or
- (b) a trailer (including a tar boiler, road material mixing apparatus or apparatus for the mechanical spreading of road material upon which no load is carried except when it is actually engaged in spreading operations, but excluding any other trailer used for the carriage of road material or similar burden), used for the purpose of, or a living van or office hut used in connection with, the construction, maintenance and repair of roads, or
- (c) a mobile crane which is only used on a road in proceeding from one place to another and not for the purpose of the lifting or transportation of goods or burden otherwise than when actually engaged in engineering operations ; and

The expressions “ Articulated vehicle ”, “ Wheeled ” and “ Track laying ” have the meanings respectively assigned to them in the Construction and Use Regulations.

(2) The Minister authorises the use on roads of motor vehicles and trailers specially designed and constructed, and used only, save as provided in subparagraph (4) hereof, for, or empty in connection with, the conveyance of

abnormal indivisible loads notwithstanding that such vehicles do not comply in all respects with the Construction and Use Regulations, subject to the conditions and restrictions contained in sub-paragraphs (4), (5), (6), (7), and (8) hereof and also to the conditions and restrictions following that is to say:—

- (a) in the case of a motor vehicle all Regulations of the Construction and Use Regulations, other than 7, 8, 32, 35, 58, 63, 64 and 66, shall apply ;
- (b) in the case of a trailer all Regulations of the Construction and Use Regulations, other than 6, 7, 8, 12, 49, 51, 52, 58, 62, 63, 65 and 66, shall apply ;
- (c) every such vehicle shall be a wheeled vehicle ;
- (d) the overall width of any such motor vehicle shall not exceed 9 ft. and the overall width of any such trailer shall not exceed 9 ft. except where a greater width is necessary for the safe conveyance of the particular loads carried by that trailer ;
- (e) every such motor vehicle and every such trailer shall be equipped with pneumatic tyres or tyres of soft or elastic material ;
- (f) the total weight transmitted to the road surface by any wheels not fitted with pneumatic tyres of any such motor vehicle or trailer in line transversely shall be such that the average weight per inch width of tyre in contact with the road surface shall not exceed 15 cwt. ;
- (g) every such motor vehicle with more than four wheels, and every such trailer constructed after 15th January, 1931, with more than four wheels, and every such trailer having more than two wheels in contact with the ground being part of an articulated vehicle shall be provided with such compensating arrangement as will ensure that all the wheels will remain in contact with the road surface and under the most adverse conditions will not be subjected to abnormal variations of load ; provided that this requirement shall not apply to any steerable wheel of a motor vehicle if the load on such wheel does not exceed $2\frac{1}{2}$ tons ;
- (h) every such vehicle shall be equipped with an efficient braking system the brakes of which act upon not less than half the total number of wheels of the vehicle and such brakes shall at all times while the vehicle is used on a road be maintained in good and efficient working order and shall be properly adjusted.

(3) The Minister authorises the use on roads of engineering plant notwithstanding that such vehicles do not comply in all respects with the requirements of the Construction and Use Regulations or the Track Laying Regulations, subject to the conditions and restrictions contained in sub-paragraphs (5), (6), (7) and (8) hereof and also to the conditions and restrictions following, that is to say :—

- (a) Every such vehicle shall be so constructed that it is either a wheeled vehicle or a track laying vehicle ;
- (b) In the case of a wheeled motor vehicle Regulations 7, 13, 14, 18 to 21, 67 to 69, 71 to 73, 75 to 83, 85 to 87 and 95 of the Construction and Use Regulations shall apply ;
- (c) In the case of a wheeled trailer Regulations 7, 67, 68, 71, 75, 81, 82 and 95, and in the case of a wheeled living van Regulation 60 of the Construction and Use Regulations shall apply ;
- (d) In the case of a track laying motor vehicle Regulations 6, 13, 14, 18 to 21, 52 to 54, 56 to 68, 70 to 72 and 75 of the Track Laying Regulations shall apply ;

- (e) In the case of a track laying trailer Regulations 6, 52, 53, 56, 57, 60, 66, 67 and 75, and in the case of a track laying living van Regulation 45 of the Track Laying Regulations, shall apply ;
 - (f) All wheels of any such vehicle which are not fitted with pneumatic tyres or tyres of soft or elastic material shall be smooth and have the edges rounded to a radius of not less than $\frac{1}{2}$ inch and not more than 1 inch ;
 - (g) The total weight transmitted to the road surface by any wheels not fitted with pneumatic tyres of any such vehicle in line transversely shall be such that the average weight per inch width of tyre in contact with the road surface shall not exceed 15 cwt. ;
 - (h) Every track laying vehicle shall be so constructed that :—
 - (i) the parts of the track which come into contact with the road surface are flat and have a minimum width of $\frac{1}{2}$ inch, and
 - (ii) except in the case of a track laying road roller the total area of each track actually in contact with the road surface at any one time is not less than 36 square inches in respect of each ton of the total weight of the vehicle which is transmitted to the road surface by means of the tracks ;
 - (i) In the case of a motor vehicle which is not propelled by a reversible steam engine, an efficient brake shall be fitted, and such brake shall at all times while the vehicle is used on a road be maintained in good and efficient working order and shall be properly adjusted ;
 - (j) In the case of a trailer which is not drawn by a locomotive, suitable scotches or other similar devices shall be provided so designed and constructed as to hold the vehicle stationary when necessary, unless an efficient brake is fitted.
- (4) No motor vehicle or motor vehicle and trailer or trailers shall carry more than one abnormal indivisible load at any one time :
- Provided that if the weight transmitted to the road surface by the motor vehicle or the motor vehicle and trailer or trailers does not exceed the weights prescribed in the Construction and Use Regulations it shall be permissible to carry more than one abnormal indivisible load of the same character or other articles of a similar character in addition to the abnormal indivisible load or loads.
- (5) No motor vehicle or trailer while being used under this paragraph and no engineering plant shall travel on any road at a speed exceeding 5 miles per hour.
- (6)—(i) Where any vehicle, the use of which upon roads is authorised by this paragraph, or the load carried by any vehicle so authorised, exceeds 9 ft. in overall width, at least 3 persons inclusive of the driver or drivers shall be in attendance to attend the vehicle and load :
- Provided that where any such vehicle is stationary on a road or is actually engaged in engineering operations and moves on a road only to the extent necessary for the efficient performance of such operations it shall be sufficient compliance with this paragraph if one person in addition to the driver or drivers is in attendance.
- (ii) Where any vehicle, the use of which upon roads is authorised by this paragraph, or the load carried by any vehicle so authorised, exceeds 8 ft. but does not exceed 9 ft. in width at least one person in addition to the driver or drivers shall be in attendance to attend the vehicle and load.
- (7) Where any vehicle, the use of which upon roads is authorised by this paragraph, or the load carried by any vehicle so authorised, exceeds 8 ft. in overall width, the owner shall give two clear days' notice (exclusive of Sundays,

Bank Holidays, Christmas Day, Good Friday and days appointed by proclamation to be Bank Holidays) in the form and containing all particulars specified in Part I of the Third Schedule to this Order to the Chief Officer of Police of every district through which it is proposed that the vehicle shall pass. The Chief Officer of Police may in special cases or circumstances dispense with any requirements as to the length of the notice or the particulars to be given. The owner shall carry out the journey in accordance with the particulars given by him in the notice, subject to any variations which he may be directed to make by the Chief Officer of Police :

Provided that such notice shall not be necessary in the case of a vehicle or load which exceeds 8 ft. but does not exceed 9 ft. in width so far as concerns any district in which the vehicle will not travel along roads in which tramway tracks are laid.

(8) The owner of every vehicle the use of which upon roads is authorised by this paragraph and the weight of which, together with the weight of any load carried thereon, exceeds 12 tons shall before using any such vehicle upon a road give two clear days' notice (exclusive of Sundays, Bank Holidays, Christmas Day, Good Friday, and days appointed by proclamation to be Bank Holidays) in the form and containing all particulars specified in Part II of the Third Schedule to this Order and an indemnity in the form specified in the said Part II to every highway authority and to every bridge authority responsible for the maintenance and repair of any road or bridge over which it is proposed that the vehicle shall pass. The highway authority or bridge authority may in special cases or circumstances dispense with any requirements as to the length of notice or the particulars to be given :

Provided that no claim under such indemnity shall be enforceable unless first made within a period of twelve months from the date when the vehicle was last so used under the notice aforesaid :

Provided also that in the case of any part of a trunk road where, by virtue of the provisions of section 5 of the Trunk Roads Act, 1936, the Minister's functions with respect to maintenance and repair are exercised by the Council of a county, borough or urban district, the two days' notice aforesaid shall be given not to the Minister but to such Council and the indemnity to be given to the Minister as highway authority shall be expressly given to the Minister but sent to such Council. [1331]

12. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament. [1332]

FIRST SCHEDULE

The Motor Vehicles (Authorisation of Special Types) Order (No. 2), 1932. (S. R. & O., 1932 (No. 50), p. 1592.)

The Motor Vehicles (Authorisation of Special Types) Order (No. 5), 1932. (S. R. & O., 1932 (No. 870), p. 1595.)

The Motor Vehicles (Authorisation of Special Types) Order (No. 6), 1932. (S. R. & O. 1932 (No. 871), p. 1596.)

The Motor Vehicles (Authorisation of Special Types) Order, 1933. (S. R. & O. 1933 (No. 897), p. 1707.)

The Motor Vehicles (Authorisation of Special Types) Order (No. 1), 1934. (S. R. & O. 1934 (No. 85) II, p. 182.)

The Motor Vehicles (Authorisation of Special Types) Order (No. 2), 1934. (S. R. & O. 1934 (No. 497) II, p. 183.)

The Motor Vehicles (Authorisation of Special Types) Order (No. 1), 1937. (S. R. & O. 1937 (No. 442), p. 2084.)

The Motor Vehicles (Authorisation of Special Types) Order, 1938. (S. R. & O. 1938 (No. 567) II, p. 2988.)

And all Orders amending any of those Orders. [1333]

SECOND SCHEDULE

Column 1	Column 2	Column 3
1. Motor vehicles or trailers constructed or adapted either for actual combative purposes or for military training in connection therewith, or for use with, or for the carriage or drawing of, guns or machine-guns.	Admiralty or Secretary of State for War.	Construction and Use Regulations—All. Track Laying Regulations—All.
2. Motortrack laying vehicles or track laying trailers constructed or adapted either for actual combative purposes, or for use with, or for the carriage or drawing of, guns, machine-guns, ammunition, equipment or stores in connection therewith.	Admiralty or Secretary of State for War.	Construction and Use Regulations—All. Track Laying Regulations—All.
3. Motor vehicles or trailers constructed or adapted for the conveyance of searchlights or the necessary equipment therefor.	Admiralty or Secretary of State for War.	Construction and Use Regulation 8. Track Laying Regulation 7.
4. Motor vehicles constructed or adapted for the conveyance of aircraft or aircraft parts and registered under the Roads Act, 1920, before the 1st January, 1932.	Secretary of State for Air or Minister of Aircraft Production.	Construction and Use Regulations 6, 32 and 33. Track Laying Regulations 5 and 29.

[1334]

THIRD SCHEDULE

PART I

FORM OF NOTICE TO POLICE

The Motor Vehicles (Authorisation of Special Types) General Order, 1941

In pursuance of paragraph 11 of the above-mentioned Order I/We.....
..... of being
the owner(s) of the undermentioned vehicle(s) to which the Order applies hereby
give notice that it is my/our intention to use the said vehicle(s) on the roads
specified below from

..... to
starting at a.m./p.m. on the day
of and completing the journey at
a.m./p.m. on the day of approximately.

The route proposed to be followed is :—

Ministry of Transport

..... to Classification No.
..... to " "

Note.—Any further particulars of route necessary to define it clearly are to be given overleaf, and where a road is unclassified sufficient information is to be given to enable it to be identified.

Particulars

(to be given in respect of each vehicle)

1. Vehicle(s) to which the Order applies
Index Mark and registration number (if any)
Carrier's licence number (if any)
Type.....
Description of load (if any)
Overall dimensions of vehicle
(inclusive of load, if any)—Maximum height
Maximum width
Maximum length
2. Vehicle(s) (if any) drawing or drawn by the above-mentioned vehicle(s).
Index mark and registration number (if any)
Carrier's licence number (if any).....
Type
Signed

PART II

FORM OF NOTICE TO HIGHWAY AND BRIDGE AUTHORITIES

The Motor Vehicles (Authorisation of Special Types) General Order, 1941

In pursuance of paragraph 11 of the above-mentioned Order I/We.....
..... of being the
owner(s) of the undermentioned vehicle(s) to which the Order applies hereby give
notice that it is my/our intention to use the said vehicle(s) on the road specified
below from

..... to
starting at a.m./p.m. on the day
of and completing the journey at
a.m./p.m. on the day of approximately.
The route proposed to be followed is :—

Ministry of Transport

..... to Classification No.
..... to " "

Note.—Any further particulars of route necessary to define it clearly are to be
given overleaf, and where a road is unclassified sufficient information is to be given
to enable it to be identified.

Particulars

(to be given in respect of each vehicle)

1. Vehicle(s) to which the Order applies
Index Mark and registration number (if any)
Carrier's licence number (if any)
Type
Description of load (if any)
Overall dimensions of vehicle
(inclusive of load, if any)—Maximum height
Maximum width.....
Maximum length
Weight of vehicle (inclusive of load, if any)
Wheels or tracks. (A dimensioned sketch plan is to be attached showing the
number and disposition of all wheels and tracks in contact with the road
surface.)
2. Vehicle(s) (if any) drawing or drawn by the above-mentioned vehicle(s).
Index mark and registration number (if any)
Carrier's licence number (if any)
Type

INDEMNITY

I/We hereby agree to indemnify you in respect of any damage which may be caused to any road or bridge in respect of which you are the highway or bridge authority by reason of the construction of or the weight transmitted to the road surface by the above-mentioned vehicle(s) to which paragraph 11 of the Order applies not being in accordance with the requirements of the Regulations made by the Minister of Transport under Section 30 of the Road Traffic Act, 1930, provided that the claim in respect of such damage is made within 12 months of the time when such damage was caused.

Signed

[1335]

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THE MOTOR VEHICLES (AUTHORISATION OF SPECIAL TYPES) ORDER (NO. 2), 1941

S. R. & O., 1941, No. 988

July 8, 1941

Whereas under the powers conferred upon him by the Ministers of the Crown (Minister of War Transport) Order, 1941, and section 3 of the Road Traffic Act, 1930, the Minister of War Transport on the 8th day of July, 1941, made the Motor Vehicles (Authorisation of Special Types) General Order, 1941 (hereinafter referred to as "the Principal Order").

And whereas it is expedient that compliance with the provisions of the Principal Order should in certain circumstances be modified in manner hereinafter appearing.

Now, therefore, the Minister of War Transport, in exercise of the powers so conferred upon him as aforesaid, and of all other powers thereto him enabling, hereby makes the following Order :—

1. This Order may be cited as "The Motor Vehicles (Authorisation of Special Types) Order (No. 2), 1941." [1336]

2. It shall be a sufficient compliance with the provisions of sub-paragraph (8) of paragraph 11 of the Principal Order in the case of a vehicle, the laden weight of which exceeds 12 tons,

- (a) authorised to be used under the provisions of that paragraph and used on a particular journey in accordance with direct instructions by the Military Authorities in connection with the defence of Great Britain against possible enemy attack, or
- (b) authorised to be used under the provisions of that paragraph in an emergency in connection with the movement of plant or equipment necessary to secure the due functioning of any public utility undertaking (as defined in the Civil Defence Act, 1939), in the event of hostile attack,

where it is impracticable before using the vehicle to give the two clear days' notice in the form prescribed or the indemnity, in each case required by the said paragraph to be given before the vehicle is so used, if such notice (suitably amended in any case where it is given after the journey is commenced) be given as soon as possible, and if both such notice and indemnity be given in any event within 24 hours after such user has commenced. [1337]

3. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament. [1338]

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THE MOTOR VEHICLES (AUTHORISATION OF SPECIAL TYPES) ORDER (No. 3), 1941

S. R. & O., 1941, No. 1471

September 16, 1941

Whereas by section 3 of the Road Traffic Act, 1930, the Minister of Transport may by Order authorise, subject to such restrictions and conditions as may be specified in the Order, the use on roads of special motor vehicles or trailers or special types of motor vehicles or trailers which are constructed either for special purposes or for tests or trials.

And whereas by the Ministers of the Crown (Minister of War Transport) Order, 1941, all functions exercisable by the Minister of Transport have been transferred to the Minister of War Transport (hereinafter referred to as "the Minister").

Now, therefore, the Minister in exercise of the powers so conferred upon him and of all other powers thereto him enabling hereby orders as follows :—

1. This Order may be cited as "The Motor Vehicles (Authorisation of Special Types) Order (No. 3), 1941." [1339]

2. The Minister authorises the use on roads of—

- (i) the vehicles, the index marks and registration numbers of which are specified in Part I of the Schedule hereto and which have been assigned by the County Borough of Birmingham and the Monmouth County Council in accordance with the provisions of Regulation 14 of the Road Vehicle (Registration and Licensing) Regulations, 1941, notwithstanding that such vehicles do not comply with the requirements of Regulation 32 of the Motor Vehicles (Construction and Use) Regulations, 1941, and
- (ii) the vehicles, the index marks and registration numbers of which are specified in Part II of the Schedule hereto and which have been assigned by the County Borough of Stoke on Trent and the Monmouth County Council in accordance with the provisions above mentioned, notwithstanding that such vehicles do not comply with the requirements of Regulations 6 and 32 of the Motor Vehicles (Construction and Use) Regulations, 1941.

The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament. [1340]

SCHEDULE

PART I

FVP. 920
FVP. 921
FVP. 922
FVP. 923
EAX. 728

PART II.

HVT. 816
HVT. 817
HVT. 818
HVT. 819
HVT. 820
HVT. 821
HVT. 822
EAX. 729 [1341]

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THE MOTOR VEHICLES (AUTHORISATION OF SPECIAL TYPES) ORDER (No. 4), 1941

S. R. & O., 1941, No. 1571

October 1, 1941

Whereas by virtue of the Ministers of the Crown (Minister of War Transport) Order, 1941, and section 3 of the Road Traffic Act, 1930, the Minister of War Transport (hereinafter called "the Minister") may by Order authorise, subject to such restrictions and conditions as may be specified in the Order, the use on roads of special motor vehicles or trailers or special types of motor vehicles or trailers which are constructed either for special purposes or for tests or trials;

Now, therefore, the Minister in exercise of the powers so conferred upon him and of all other powers thereto him enabling hereby makes the following Order :—

1. This Order may be cited as "The Motor Vehicles (Authorisation of Special Types) (No. 4) Order, 1941." [1342]

2. The Minister authorises the use on roads of tanks and of vehicles or trailers constructed or adapted for the purpose of carrying tanks notwithstanding that such tanks, vehicles or trailers do not comply with the requirements of the Motor Vehicles (Construction and Use) Regulations, 1941, or the Motor Vehicles (Construction and Use) (Track Laying Vehicles) Regulations, 1941. [1343]

3. Nothing in this Order shall be taken to deprive any highway authority or other person of any right to recover any extraordinary expenses which may be incurred in respect of any such road by reason of such user as aforesaid. [1344]

4. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament. [1345]

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THE MOTOR VEHICLES (SPEED REGULATION) ORDER, 1941

S. R. & O., 1941, No. 1579

October 1, 1941

The Minister of War Transport in exercise of the powers conferred upon him by Regulation 70 of the Defence (General) Regulations, 1939, and of all other powers enabling him in that behalf hereby makes the following Order :—

1. A motor vehicle constructed solely for the carriage of passengers and their effects shall not be subject to any restriction of speed imposed by section 10 of, and the First Schedule to, the Road Traffic Act, 1930, when drawing a trailer if—

(a) the trailer is being used solely for the carriage of a container or containers for holding, or plant and materials for producing, for the purpose of the propulsion of the drawing vehicle, any fuel that is wholly gaseous at 60° Fahrenheit under a pressure of 30" of mercury and all its wheels are fitted with pneumatic tyres, and

- (b) the motor vehicle is constructed to carry not more than seven passengers exclusive of the driver, is not a heavy motor car within the meaning of the Road Traffic Act, 1930, and all its wheels are fitted with pneumatic tyres. [1346]

2. Nothing in this Order shall affect the obligation of the driver of any such vehicle to observe the speed limits applicable on roads in built up areas within the meaning of section 1 of the Road Traffic Act, 1934. [1347]

3. This Order shall come into force on the 10th day of October, 1941, and may be cited as "The Motor Vehicles (Speed Regulation) Order, 1941." [1348]

* * * * *

THE ROAD VEHICLES (SERVICE MARKS) ORDER, 1941

S. R. & O., 1941, No. 1607

October 8, 1941

The Minister of War Transport in exercise of the powers conferred upon him by Regulation 70 of the Defence (General) Regulations, 1939, and of all other powers enabling him in that behalf hereby makes the following Order :—

1. No person unless duly authorised by the Air Ministry shall use on a highway any vehicle on which is displayed a roundel consisting of a circular red spot on a white ground enclosed in a blue circle, commonly used to distinguish vehicles used by or on behalf of the Air Ministry, or any mark or device which might reasonably be mistaken for such roundel. [1349]

2. This Order shall come into force on the 20th day of October, 1941 and may be cited as "The Road Vehicles (Service Marks Order), 1941." [1350]

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THE TRAFFIC ON HIGHWAYS ORDER, 1941

S. R. & O., 1941, No. 1720

November 3, 1941

The Minister of War Transport in exercise of his powers under Regulation 70 of the Defence (General) Regulations, 1939, and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. On such occasions and at such times as a Chief Officer of Police may decide that it is necessary in order to facilitate the movement of essential traffic in any area within his police district which has suffered from hostile attack, police constables may be posted on any roads in such area for the direction of traffic thereon, and the use of such roads in that area by vehicles shall be subject to such direction, which may include the prohibition of any vehicle from the use of any of such roads. [1351]

2. This Order shall come into force on the fourth day of November, 1941, and may be cited as "The Traffic on Highways Order, 1941." [1352]

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THE MOTOR VEHICLES (CONTROL) ORDER, 1941

S. R. & O., 1941, No. 1998

December 5, 1941

In pursuance of the power conferred upon me by paragraph (1) of Regulation 19A of the Defence (General) Regulations, 1939, I hereby order as follows :—

1. The Motor Vehicles (Control) Order, 1940, shall have effect subject to the amendments set out in the following provisions of this Order. [1353]

2. In paragraph (1) of Article 4—

(a) in the definition of “mechanically propelled road vehicle” after the word “a” there shall be inserted the word “tractor”;

(b) after the definition of “public service vehicle” there shall be inserted the following definition :—

“tractor” means a vehicle which is not constructed itself to carry any load other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment.”

[1354]

3. This Order may be cited as “The Motor Vehicles (Control) Order, 1941.” [1355]

* * * *

THE ROAD VEHICLES LIGHTING (SPECIAL EXEMPTION) PROVISIONAL REGULATIONS, 1941

P. R. & O., 1941

August 18, 1941

The Minister of War Transport in exercise of his powers under subsection (3) of section 1 of the Road Transport Lighting Act, 1927 (hereinafter referred to as “the Act”) and of all other powers enabling him in that behalf hereby makes the following Regulations and further certifies under section 2 of the Rules Publication Act, 1893, that on account of urgency such Regulations should come into force forthwith as Provisional Regulations and continue in force until statutory rules shall have been made in accordance with the last mentioned Act.

1. These Regulations may be cited as “The Road Vehicles Lighting (Special Exemption) Provisional Regulations, 1941.” [1356]

2. The requirements of the Act shall be varied so as to impose no obligation for pedal cycles, while being used by military personnel engaged on security patrol, to carry a lamp showing a white light to the front. [1357]

3. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament. [1358]

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CASES

Emergency Legislation—Motor Vehicle—Immobilisation—Civil Defence Vehicle—Private Car used partly for Civil Defence Purposes—Motor Vehicles (Control) Order, 1940 (S. R. & O., 1940, No. 1055), art. 1 (1), (3).

When an A.R.P. warden on duty is using his own car partly for his own

convenience and leaves it unattended, and not immobilised, as the Motor Vehicles (Control) Order, 1940, directs, it is a question of fact for the tribunal, if he is charged with a breach of the order, whether the car was, at the time of the breach of the order, being used as a civil defence vehicle within the exception contained in art. 1 (3), and it is immaterial that at other times it may be used for other purposes.—*WYLES v. BANFIELD*, [1941] 2 All E. R. 791; 57 T. L. R. 642; 85 Sol. Jo. 482; 39 L. G. R. 294, D. C. [1359]

SHOPS

ORDERS, CIRCULARS AND MEMORANDA :—

PAGE

Defence (General) Regulations, Regulations 60AB, 60 AC; Sched. III. amended - 483

ORDERS, CIRCULARS AND MEMORANDA

ORDER IN COUNCIL ADDING REGULATIONS 60AB AND 60AC TO THE DEFENCE (GENERAL) REGULATIONS, 1939, AND AMENDING THE THIRD SCHEDULE TO THOSE REGULATIONS

S. R. & O., 1941, No. 1595

October 10, 1941

At the Court at Buckingham Palace, the 10th day of October, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. After Regulation sixty AA of the Defence (General) Regulations, 1939, there shall be inserted the following Regulations :—

“ 60AB.—(1) Subsection (1) of section one of the Shops (Hours of Closing) Act, 1928 (which provides that every shop shall, save as otherwise provided by that Act, be closed for the serving of customers not later than the hours therein mentioned), shall, except as respects the trade or business of selling tobacco and smokers' requisites and the trade or business of selling newspapers and periodicals, have effect as if for the references therein to nine o'clock and eight o'clock there were respectively substituted references to half-past seven o'clock and six o'clock.

(2) The following subsections shall be inserted after subsection (2) of the said section one—

‘ (2A) A local authority may, except as respects the trade or business of selling tobacco and smokers' requisites and the trade or business

of selling newspapers and periodicals, by order substitute other hours (whether earlier or later) for the general closing hours fixed by subsection (1) of this section :

Provided that the substituted hours shall not be later than seven o'clock in the evening except on not more than two days (one of which shall be the late day) when the substituted hours may be not later than eight o'clock in the evening.

(2B) Before making any order under the last preceding subsection the local authority shall take such steps, whether by consultation with representative associations or otherwise, as appear to the authority to be most appropriate for ascertaining the views of occupiers of shops and shop assistants affected by the order, and any such order—

- (a) may be made so as to apply to the whole or any part of the area of the local authority ;
- (b) may be made so as to apply to all trades or businesses or to any specified trade or business ;
- (c) may fix different hours for different days of the week and for different trades or businesses ; and
- (d) may contain such incidental and supplementary provisions as appear to the local authority to be necessary or expedient for the purposes of the order '.

(3) For section two of the Shops (Hours of Closing) Act, 1928, there shall be substituted the following section :—

' 2. As respects the trade or business of selling table waters, sweets, chocolates, or other sugar confectionery or ice cream, the general closing hours shall be nine o'clock in the evening on the late day and eight o'clock in the evening on any other day.'

(4) In the case of a shop as respects which—

- (a) an order under section five or section six of the Shops (Hours of Closing) Act, 1928 ; or
- (b) a closing order under the Shops Act, 1912

is in force on the first Sunday in November in any year, the foregoing provisions of this Regulation shall not be construed, in the case of an order under either of the said sections, as making earlier, or, in the case of such a closing order, as making later, the hours at which the shop is required to be closed while the order remains in force.

(5) This Regulation shall have effect only as respects any period beginning with the first Sunday in November in any year and ending with the day before the first Sunday in March in the succeeding year :

Provided that the powers exercisable by virtue of paragraph (2) of this Regulation may be exercised at any time, so, however, as to operate only as respects the whole or any part of any such period."

"60AC.—(1) Every shop to which this Regulation applies shall be closed for the serving of customers not later than four o'clock in the afternoon on every day :

Provided that nothing in this paragraph shall prevent—

- (a) the supply of an article to a customer after the said hour where it is proved that the customer was in the shop before that hour, or that reasonable grounds existed for believing that the article was required in the case of illness ; or
- (b) the transaction after the said hour of any exempted business.

(2) In the case of persons wholly or mainly employed in any shop to which this Regulation applies about the business of the shop (not being persons wholly or mainly employed for the purpose of exempted business) it shall not be necessary for the interval for dinner required to be allowed under section one of the Shops Act, 1912, to be increased to one hour wherever the meal is taken; and accordingly in relation to any such person, the First Schedule to the said Act shall have effect as if the words from 'and the interval' to 'attached' were omitted.

(3) This Regulation applies to every shop within any such areas, or adjoining any such streets, being areas or streets in the administrative county of London, as may be specified by an order made by a Regional Commissioner, and, subject to the provisions of any order made under paragraph (9) of this Regulation, to no other shops:

Provided that (subject to the provisions of any order made under the said paragraph (9)) this Regulation shall not apply—

- (a) to any shop in which the only trade or business carried on consists of exempted business; or
- (b) to any shop, as respects any week on no day of which more than two persons (exclusive of any persons wholly or mainly employed for the purpose of exempted business) are wholly or mainly employed in the shop about the business of the shop.

(4) The occupier of any shop to which this Regulation applies shall cause a notice to be kept conspicuously posted in the shop stating the time at which the shop will, by virtue of this Regulation, be closed, or, as the case may be, be closed except for the purpose of any exempted business.

(5) If the provisions of this Regulation are not complied with in the case of any shop, the occupier of the shop shall be guilty of an offence against this Regulation.

(6) The inspectors appointed under section thirteen of the Shops Act, 1912, shall, for the purpose of the enforcement of the provisions of this Regulation, have all such functions as are conferred on them by that section.

(7) In this Regulation—

- (a) the expression 'shop' and 'week' have the same meanings as in the Shops Act, 1912;
- (b) the expression 'exempted business' means any transaction which by virtue of paragraph (b) of subsection (3) of section one of the Shops (Hours of Closing) Act, 1928, may lawfully be transacted after the closing hour, and any other transaction in the course of the following trades or business—

- (i) the sale of food or drink of any description for human consumption;
- (ii) the sale of newspapers or periodicals;

and subsection (2) of section fifteen of the Shops Act, 1934, shall apply for the purposes of this Regulation as it applies for the purposes of that Act.

(8) The foregoing provisions of this Regulation shall have effect as respects any period beginning with the first Sunday in November in any year and ending with the fourth Saturday in January in the succeeding year, and, subject to the provisions of any order made under paragraph (9) of this Regulation, only as respects any such period:

Provided that any order under paragraph (3) of this Regulation may be made at any time, so, however, as to operate only as respects the whole or any part of any such period.

(9) A Regional Commissioner, after taking such steps, whether by consultation with representative associations or otherwise, as appear to him to be most appropriate for ascertaining the views of local authorities (as defined for the purposes of the Shops Act, 1912), occupiers of shops and shop assistants affected by the order, may by order apply this Regulation to any locality in Great Britain outside the administrative county of London with such adaptations and variations of all or any of the provisions thereof as appear to him to be appropriate to the circumstances of the locality."

2. After the entry in the Third Schedule to the said Regulations relating to Regulation forty-seven A there shall be inserted the following entry :—

"Regulation 60AC. As respects any shop in any area by the authority which is the local authority for that area for the purposes of the Shops Act, 1912, or by any inspector appointed by that authority under section thirteen of that Act." [1960]

* * * * *

SLAUGHTERHOUSES AND KNACKERS' YARDS

See REGULATED INDUSTRIES, TRADES AND BUSINESSES.

STANDING JOINT COMMITTEE

See POLICE.

STREET LIGHTING

See HIGHWAYS.

SUPERANNUATION

See also EDUCATION.

ORDERS, CIRCULARS AND MEMORANDA :—

Local Government Superannuation (Actuarial Valuations) Amendment Regulations, 1941	PAGE 486
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ORDERS, CIRCULARS AND MEMORANDA

THE LOCAL GOVERNMENT SUPERANNUATION (ACTUARIAL VALUATIONS) AMENDMENT REGULATIONS, 1941

S. R. & O., 1941, No. 369

February 28, 1941

103010

The Minister of Health in exercise of the powers conferred on him by subsection (3) of section 22 of the Local Government Superannuation Act, 1937, and of all other powers enabling him in that behalf, hereby makes the following Regulations.

1. These Regulations may be cited as the Local Government Superannuation (Actuarial Valuations) Amendment Regulations, 1941. [1961]

2. These Regulations shall continue in operation until^a such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of the Courts (Emergency Powers) Act, 1939, came to an end. [1362]

3. Subject to the provision hereinafter contained, the Local Government Superannuation (Actuarial Valuations) Regulations, 1939, shall have effect as if—

- (i) the word “ and ” were inserted at the end of clause (a) of paragraph (2) of article 4 thereof ;
- (ii) the undermentioned provisions were omitted therefrom, namely :—
 - (a) the words from “ and (c) ” in paragraph (2) of article 4 thereof ;
 - (b) the words from “ specimen rates ” in clause (b) of article 5 thereof ;
 - (c) paragraph 2 of the First Schedule thereto ;
 - (d) forms B, F and G in the Second Schedule thereto ;
 - (e) the notes marked *, † and ‡ to Form D in the Second Schedule and the word “ total ” wherever occurring in the note marked § to the said Form ; and
 - (f) the notes marked * and † to Form E in the said Second Schedule and the words from “ If desired ” in the note marked ‡ to the said Form ;
- (iii) the following entries were substituted for the entries in the first column to the said Form D, namely :—

“ Classes. ”

- (a) Male Officers.
- (b) Female Officers (other than those specified at (c)).
- (c) Female Nurses, Midwives and Health Visitors to whom section 16 applies.
- (d) Male Servants.
- (e) Female Servants ” ; and
- (iv) the following entries were substituted for the entries in the first column to the said Form E, namely :—

“ Classes. ”

- (a) Male Officers.
- (b) Female Officers (other than those specified at (c)).
- (c) Female Nurses, Midwives and Health Visitors to whom section 16 applies.
- (d) Male Servants.
- (e) Female Servants.
- (f) Pensioners who have availed themselves of the provisions of section 9 :—
 - (i) Males.
 - (ii) Females.
- (g) Incumbent beneficiaries under section 9 :—
 - (i) Males.
 - (ii) Females.” [1363]

4. Notwithstanding anything hereinbefore contained the actuary making a valuation under section 22 of the Local Government Superannuation Act, 1937, shall, if so required by the Minister of Health, include in the report or add thereto any information which would have been required to be contained therein if these Regulations had not been made and which the actuary is not unable so to include by reason of the non-submission of the statement which would, if these Regulations had not been made, have been required by paragraph (2) of article 3 of and paragraph 2 of the First Schedule to the Local Government Superannuation (Actuarial Valuations) Regulations, 1939.

[1864]

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TEACHERS

See EDUCATION.

TROLLEY VEHICLES

See PUBLIC SERVICE VEHICLES.

TRUNK ROADS

See HIGHWAYS.

VALUATIONS FOR RATING

See RATES AND RATING.

WATCH COMMITTEE

See POLICE.

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ORDERS, CIRCULARS AND MEMORANDA

THE WEIGHTS AND MEASURES (SAND AND BALLAST) (AMENDMENT) REGULATIONS, 1941

S. R. & O., 1941, No. 162

January 30, 1941

The Board of Trade in exercise of the powers conferred upon them by the Weights and Measures Acts, 1878 to 1936, and of all other powers enabling them in that behalf do hereby make the following Regulations :—

1.—(a) These Regulations may be cited as the Weights and Measures (Sand and Ballast) (Amendment) Regulations, 1941.

(b) The Interpretation Act, 1889 (52 & 53 Vict. c. 63), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament. [1365]

2. Notwithstanding anything contained in the Weights and Measures (Sand and Ballast) Regulations, 1938 (hereinafter called “the principal Regulations”), an Inspector may stamp common measures of the maximum capacity of $4\frac{1}{2}$ cubic yards or $5\frac{1}{2}$ cubic yards. The maximum capacity of any such measure may be defined by horizontal milled recesses as prescribed in Appendix I to the principal Regulations or by the upper ends of the calibration strips. [1366]

3. Regulation No. 24 of the principal Regulations shall have effect as if the words “1st April, 1942” were substituted for the words “1st April, 1941.” [1367]

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THE WEIGHTS AND MEASURES (SAND AND BALLAST) (AMENDMENT NO. 2) REGULATIONS, 1941

S. R. & O., 1941, No. 1767

November 6, 1941

The Board of Trade in exercise of the powers conferred upon them by the Weights and Measures Acts, 1878 to 1936, and of all other powers enabling them in that behalf do hereby make the following Regulations :—

1.—(a) These Regulations may be cited as the Weights and Measures (Sand and Ballast) (Amendment No. 2) Regulations, 1941.

(b) The Interpretation Act, 1889 (52 & 53 Vict. c. 63), shall apply to the interpretation of these Regulations, as it applies to the interpretation of an Act of Parliament. [1368]

2. Regulation No. 3 of the Weights and Measures (Sand and Ballast) (Amendment) Regulations, 1941, shall have effect as if the words “1st April, 1944” were substituted for the words “1st April, 1942.” [1369]

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THE DEFENCE (WEIGHTS AND MEASURES) (COMPARISON OF STANDARDS) REGULATIONS, 1941

S. R. & O., 1941, No. 1901

November 27, 1941

At the Court at Buckingham Palace, the 27th day of November, 1941.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. These Regulations may be cited as the Defence (Weights and Measures) (Comparison of Standards) Regulations, 1941. [1370]

2. The comparison of the parliamentary copies of the imperial standards of measure and weight, which would apart from this Regulation be required by virtue of section thirty-five of the Weights and Measures Act, 1878, to be made in or about the year nineteen hundred and forty-two, shall not be made. [1371]

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CASES

Weights and Measures—Special Provisions—Coal—Byelaw—Provision of Stamped Weighing Instrument on Delivery Vans—Weights and Measures Act, 1889 (c. 21), s. 28.

Appellants, a firm of coal dealers, having sold a quantity of coal considerably in excess of 2 cwt. to a customer, arranged with a haulage contractor to deliver it. The contractor's vehicle was not provided with a weighing machine, and appellants were charged with a breach of the following byelaw made by a county council under the Weights and Measures Act, 1889, s. 28 :—“(8) Every coal dealer shall provide, and every person in charge of every vehicle carrying or bearing coal for sale or delivery shall constantly carry with such vehicle a correct stamped weighing instrument of a form approved by the county council, together with duly verified weights or counterpoises.” Appellants contended (i) that the byelaw was too uncertain; (ii) that the byelaw was unreasonable, as applying to vehicles carrying coal for sale or delivery in bulk; (iii) that the byelaw must be construed *ejusdem generis* with byelaws 1–7 and did not apply to coal delivered in quantities exceeding 2 cwt.; (iv) that the byelaw did not apply to delivery by an agent or servant :—

Held : (i) the byelaw was not bad for uncertainty;

(ii) the proper interpretation to be placed upon the byelaw was that it was not limited to deliveries in quantities not exceeding 2 cwt.;

(iii) the byelaw applied to the delivery of coal by an agent or servant.—

WILLIAM BRIDGE, LTD. *v.* HARRISON, [1941] 3 All E. R. 236; 39 L. G. R. 342, D. C. [1372]

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